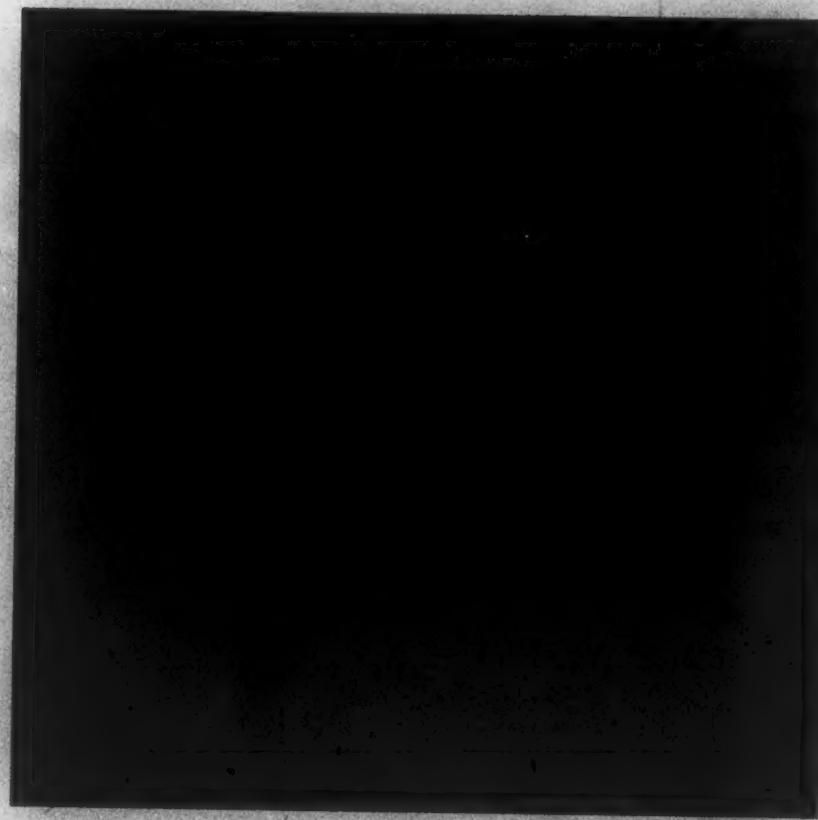
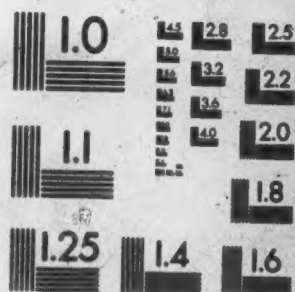
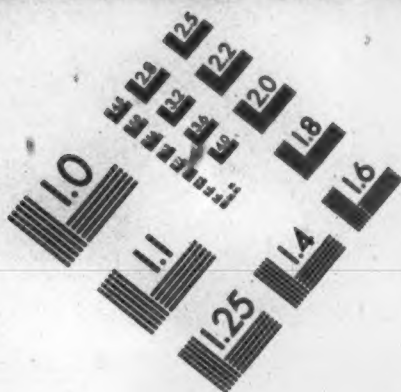
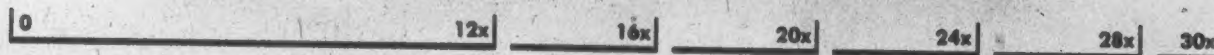




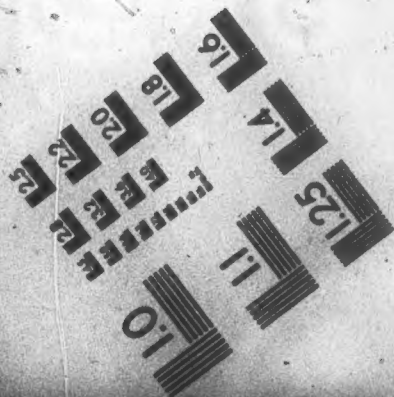
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APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES
1898 - 1914

ROLL 454

CHICKASAW R12 - R69

THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1983

Chic. R-12

Chic. R-12

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify that the above is a true and correct translation of the stenographic notes of the Commission to the Five Civilized Tribes.
my stenographer
M.D. Green

Commission to the Five Civilized Tribes.

Durant, Indian Territory.

In the enrollment of the children of Mincy Hiser, Laura B., Chickasaws; May and Clarence Hiser, as ~~Chickasaws~~; Mincy Hiser being born and examined by Commissioner McKenna testifies as follows:

- Q What is your name? Mincy Hiser.
- Q How old are you? A Forty-two.
- Q When were you married to your Chickasaw husband?
- A On January 29th 1874.
- Q How long did he live? A Not quite three years; he died the 23rd day of January 1877.
- Q Did you live with him until he died? A Yes sir.
- Q During that time you had how many children? A Just one.
- Q She is enrolled? A Yes sir.
- Q After that you married a white man? A Yes sir.
- Q When? A 15th day of June, 1879.
- Q By him you have these children? A Yes sir.
- Q What are the names of them? A Laura B., 16 years old, and May, 13 years old and Clarence, ten years old.
- Q Is your husband still living? A Yes sir, he is here.
- Q None of these children have been enrolled? A No sir, none of them.
- Q Were you ever enrolled before you met the Commission?
- A Yes sir, when the Chickasaws first made the roll I was enrolled with the Chickasaws.
- Q When was that? A I think it was in 1896. I and I went out there to enroll last fall and registered with the Dawes Commission.
- Q You were never enrolled until 1896? Has anybody told you these children could be enrolled; have you employed anybody?
- A We didn't know; they say some have been put on the roll same as mine; I have not been advised for certain that these children could be enrolled.

Enrollment of above children refused.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Laura B. Hiser, May Hiser and Clarence Hiser as citizens of the Chickasaw Nation.

D E C I S I O N .

It appears from the record in this case that in August, 1899, Mincy Hiser appeared before the Commission at Durant, Indian Territory, and made application for the enrollment of her three minor children, Laura B. Hiser, May Hiser and Clarence Hiser, as citizens of the Chickasaw Nation.

It does not appear from an examination of the tribal rolls of the Chickasaw Nation in the possession of the Commission that the applicants above named have been enrolled as citizens of the Chickasaw Nation, nor do their names appear upon the tribal rolls of the Chickasaw Nation.

It further appears from an examination of the records in the possession of the Commission that these applicants have never been admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes, or the legally constituted authorities of the said Nation or the United States Court in Indian Territory on appeal in accordance with the act of Congress of June 10, 1896, (29 Stats., 321).

It further appears from an examination of the records in the possession of the Commission that Mincy Hiser, the mother of the applicants above named, is a white woman, who was, on January 20, 1872, married to William F. Willie, a citizen by blood of the

Chickasaw Nation, with whom she lived until his death. The name of Minoy Hiser is found upon the 1896 Census Roll of the Chickasaw Nation among a list of doubtful claimants to intermarried citizenship in said nation. After the death of William P. Willis, her Chickasaw husband, she was married, June 15, 1879, to W. K. Hiser, a white man; and the said Minoy Hiser and the said W. K. Hiser are the parents of these applicants.

Minoy Hiser, the mother of these applicants, is an applicant to this Commission for enrollment as an intermarried citizen of the Chickasaw Nation.

The act of Congress of June 28, 1898, (30 Stats., 495), provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 221), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is therefore the opinion of this Commission that Laura E. Hiser, May Hiser, and Clarence Hiser are not lawfully entitled to be enrolled as members of the Chickasaw Tribe of Indians in Indian Territory, and that their application as such should be

refused, and it is so ordered.

The Commission to the Five Civilized Tribes.


Acting Chairman

Commodore


Commissioner

Dated at Muskogee, Indian Territory,
this APR -2 1902

Department of the Interior,
Commissioner to the Five Civilized Tribes.

In the matter of the application of W. R. Hiser, Clarence Hiser, Laura Bell Hiser and Mincie May Scott.

Petition for Applicants.

The petition of W. R. Hiser, Laura Bell Harris, Mincie May Scott, on behalf of themselves and Mincie Hiser on behalf of Clarence Hiser, respectfully represents:

1st- That W. R. Hiser is a white man; That he was married in accordance with the Chickasaw Law to Mincy Willis on, to-wit; June 15, 1879, and has ever since said date lived with her as her husband. That they have continuously resided since said date in the Chickasaw Nation except during 1882 and 1883 when they were temporarily in the state of Texas.

2d- That at the time of said marriage and ever since, said Mincy Willis now Hiser was and has continued to be a citizen of the Chickasaw Nation, and her name has been enrolled on the final roll of citizens of the Chickasaw Nation as approved by the Secretary of the Interior and has been allowed to select her allotment as such citizen.

3d- That by virtue of said W. R. Hiser's marriage with said Mincy Hiser he became a citizen of the Chickasaw Nation and is entitled to enrollment as such.

4th- That Clarence Hiser, Laura Bell Harris and Mincie May Scott are children born of the said intermarriage of W. R. Hiser and Mincy Hiser, that said Clarence Hiser and Mincie May Scott were born in the Chickasaw Nation and have always resided therein, that said Laura Bell Harris was born in Texas, but with the exception of about one year has resided and now resides in said Nation. That Clarence Hiser was born May 10th 1889, that Laura Bell Hiser was born Dec 15th 1882 and on or about Dec. 9th, 1900 was legally married to D. J. Harris. That Mincie May Hiser was born Mar 16th 1886 and on or about July 7th 1901 she was legally married to L. G. Scott.

5th- That application was made for all of said applicants to the Commissioner to the Five Civilized Tribes on or about August 6th, 1897 and again on behalf of Laura Bell, Mincie May and Clarence Hiser on or about the 14th day of August 1898, which application is still pending with the Secretary of the Interior.

Wherefore, the premises considered, your petitioners pray that the said applicants, W. R. Hiser, Clarence Hiser, Laura Bell Harris and Mincie May Scott, may be enrolled as citizens of the Chickasaw Nation.

W. R. Hiser

Clarence Hiser

(Signed by Mincy Hiser

Laura Belle Harris

Mincie May Scott

H. A. Walker

Wm. Henry White

Attys. for Applicants.

SOUTHERN DISTRICT,
INDIAN TERRITORY. SS:

I do solemnly swear that I have read the foregoing and annexed petition by me subscribed, and know the contents thereof, that the facts therein stated of my own personal knowledge are true, and that those stated upon information and belief I believe to be true.

W. R. Hiser

Clarence Hiser

(Signed by Mincy Hiser

Laura Belle Harris.

Mincie May Scott.

Subscribed and sworn to before me this 1st day of Mar. A. D. 1906.

(SEAL)

My Commission expires Jan. 29-1908.

R. O. Dulaney

W. L. Moore, being first duly sworn, on his oath says: That he is over twenty one years of age, not of counsel for nor related to the above named applicants, neither is he interested in the matters in controversy nor the results thereof; that he delivered a carbon

copy of the foregoing Petition for Applicants to Melven Cornish of
Manerfield, McMurray & Cornish, Attorneys, at their office in South
McAlester, I. T. at 2:20 p. m. on Tuesday May 29, 1906.

W. H. Moore

(SEAL)

Subscribed and sworn to before me this 29th day of May 1906.

My Commission expires April 7-1907.

E. Allan Boyd
Notary Public

IN THE DEPARTMENT OF THE INTERIOR.

-----oOo-----

In re application of LAURA B., MAY, and CLARENCE HISER for enrollment as citizens of the Chickasaw Nation.

-----oOo-----

BRIEF FOR APPLICANTS.

The facts in the case are stated in the decision of the Commission to the Five Civilized Tribes dated April 2, 1902, as follows:

"It further appears from an examination of the records in the possession of the Commission that Mincy Hiser, the mother of the applicants above named, is a white woman, who was, on January 29, 1874, married to William P. Willis, a citizen by blood of the Chickasaw Nation, with whom she lived until his death. The name of Mincy Hiser is found upon the 1896 Census Roll of the Chickasaw Nation among a list of doubtful claimants to intermarried citizenship in said nation. After the death of William P. Willis, her Chickasaw husband, she was married, June 15, 1879, to W. K. Hiser, a white man; and the said Mincy Hiser and the said W. K. Hiser are the parents of these applicants."

Since the rendition of the opinions of the Assistant Attorney-General in the Mary Elizabeth Martin case of March 24, 1905, and December 8, 1905, we submit that these applicants are clearly entitled to enrollment, and that the former decision of the Commission must be reversed. Under the first decision in the Martin case it will be noticed that the Assistant Attorney-General takes up the question of the status of a child exactly in the situation of these applicants, as follows:

"If the applicant's parents, or either of them, were married to their former Indian spouses in conformity to law, they were, or such one of them was, at her birth a citizen by intermarriage by force of Article XXXVIII of the Treaty of 1866 (14 Stats., 779), in Indian allegiance, and the applicant was born to such allegiance and entitled to recognition and enrollment, if a white child without Indian blood can be."

After discussing in the Martin case the effect of an adverse decision under the Act of June 10, 1896, and citing two cases, one a Chickasaw case decided in the Chickasaw Citizenship Court, and another case in the United States Court, and following the latter decision the Assistant Attorney-General said:

"Allegiance of birth is obtained by succession to the allegiance of the parent. x x x It is not the parent's

race or blood that gives citizenship to the child, but the parent's status of citizenship at the child's birth. x x x It follows of necessity that the offspring of a citizen is itself a citizen. "Descendants" is used nowhere in the Treaty of 1866 except in Article III giving the descendants of former Choctaw slaves the right of citizenship. If citizenship be not heritable, except the word "descendant" is used, then, by this argument the great body of the present supposed Choctaw citizens is without right, as most of those living April 28, 1866, are dead, most of those now living having been since born, and their only right to citizenship is their descent from citizens then living, but such right is not given by the treaty."

The Assistant Attorney-General followed the reasoning in the case cited from the United States Court, as follows:

"The treaty makes every white man who may marry a Choctaw or Chickasaw woman a citizen, to use the language of the last words of Article 28 above set out, in all respects as though he was a native Choctaw or Chickasaw."

"By this provision of the treaty there is no difference between a citizen by virtue of his marriage and a native Choctaw. They are to enjoy equally and alike all of the benefits of Choctaw citizenship, as well as share the burdens."

We also call attention to the reasoning of the court that if an intermarried white person may not confer citizenship upon another white person by remarriage, the same rights have not been received, the court using this language:

"The one may do an act that the other cannot do; the one has a privilege, that of marrying a white woman, that the other does not enjoy."

As to the rights of the children born of this second marriage, the court says:

"I therefore find that the claimant is entitled to be enrolled. I hold also that the offspring of such a marriage would be entitled to be enrolled; the father being a lawful citizen, the children would follow his citizenship, and by inheritance take any property rights he may have acquired thereby."

The Assistant Attorney-General in reviewing his decision of March 24, 1905, showed that one of the grounds for motion for review was as follows: See opinion of December 8, 1905.

"2. That the child of an intermarried white person, or of two such parents, is not entitled to enrollment."

And in holding that this child is entitled to citizenship said:

"I am now of opinion that the rule as stated when considered in the light of the particular facts in the applicant's case, viz: that the Article XXVIII of the treaty, the parents by their intermarriage were accorded all the rights and were subject to all the liabilities 'as though he

(or she) was a native Choctaw,' and continued to the applicant's birth to be resident within the Choctaw Nation. I know of no exception to such rule, and certainly counsel have cited no adjudication wherein the child of a citizen residing within the jurisdiction to which his allegiance in this is held not to be a citizen by birth. That covers the present case, but there may be allegiance of birth other than the allegiance of the parent. x x x But the child born to a citizen residing in the jurisdiction having full rights of citizenship is necessarily born to the allegiance of the parent, unless some provision of the constitution or laws of the Choctaw Nation prevents, and no such provision cited by counsel or found by me does so provide."

A careful examination of all of the above cases will show that there is no difference between the rights derived from a marriage in the Choctaw and Chickasaw Nations, the only difference being that at certain times the Chickasaw legislature passed certain acts governing the form of the marriage. There is no question that the mother of these applicants was married to her Indian husband in accordance with the Chickasaw laws, so that she actually acquired all of the rights enjoyed by a Chickasaw by blood.

If the legislature has since the adoption of this treaty between the United States and the Chickasaw Nation undertaken to pass any law varying or altering the terms of the treaty, or taking away any rights given to citizens under that treaty, those laws would be null and void in so far as they undertake to do so. It has been held time and again that a treaty between the Indian tribes and the United States is paramount to any legislative act of the tribe or Indian nation. It follows as a matter of course that any attempted legislation contrary to the treaty would be null and void. If authorities are needed, the experience of the Cherokee Nation in attempting by legislative enactments to deprive its ex-slaves of the rights given by treaty, is a sufficient exposition of the law. The decision in these matters is so well understood that I think it not even necessary to state the case, but it will be remembered that the treaty of 1866 between the United States and the Cherokee Nation provided that these ex-slaves should have all of the rights of native born Cherokees. The Cherokee Nation subsequently undertook by legislative enactment to limit those rights to political

rights only. The Court of Claims unhesitatingly pronounced that legislation of the Nation to be absolutely null and void.

I believe that there are certain acts relating to this subject which have been passed by the Chickasaw Nation from time to time. They are of doubtful construction and application, but if the clear intent of these acts were to deprive the intermarried whites of the rights absolutely given to them by the treaty, the acts of the legislature would be, as were the acts of the Cherokee legislature, absolutely null and void. I therefore respectfully submit that these children are entitled to enrollment as Chickasaw citizens.

Respectfully submitted,

Washington, D. C.,

December 21, 1905.

John Quincy White
Attorney for Applicants.

In the matter of the application for the enrollment of Laura B. Hiser, May Hiser and Clarence Hiser as citizens of the Chickasaw Nation, Chickasaw Field No. R-12.

BEFORE THE HONORABLE SECRETARY OF THE INTERIOR.

In the matter of the application of Laura B. Hiser, May Hiser and Clarence Hiser, for enrollment as citizens of the Chickasaw Nation, Chickasaw Field number R-12.

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Joanna Mickle, et al, vs. The Choctaw and Chickasaw Nations, number thirty-seven on the South McAlester Docket, in which the said court will decide the question of whether white persons, the widows or widowers of deceased Choctaw or Chickasaw spouses, can confer rights of citizenship upon white husbands or wives whom they may remarry and upon their white children by them, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 28, 1903.


ATTORNEYS FOR THE CHOCTAW AND CHICKASAW NATIONS.

January 23, 1904.

Through the

Commission to the Five Civilized Tribes.

Chickasaw # 12

COPY.

Muskogee, Indian Territory April 2, 1902.

Niney Higer,

Muskege, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of your three minor children, Laura B., May and Clarence Higer as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

SIGNED

C. H. Breckinridge.

Commissioner in Charge.

1 enclosure
Register.

Chickasaw R 12

COPY

Muskogee, Indian Territory, April 2, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Laura E., May and Clarence Hiser as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

SIGNED: C. R. Breckinridge.

Commissioner in Charge.

1 enclosure
Register.

Copy

Muskogee, Indian Territory, April 2, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings in the matter of the application of Minny Niser for the enrollment of her three mixer children, Laura B., May and Clarence Niser as citizens of the Chickasaw Nation, including the decision of the Commission, dated April 2, 1902, refusing the application for the enrollment of Laura B., May and Clarence Niser as citizens of said nation.

Respectfully,

W. M. BRECKENRIDGE

Commissioner in Charge.

1 enclosure

Through the Commissioner
of Indian Affairs.

(COPY)

Land
30214-1902.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, April 25, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is inclosed herewith a report dated April 2, 1902, from G. R. Breakinridge, Esq., Commissioner in charge of the work of the Commission to the Five Civilized Tribes, transmitting the record relative to the application of Mincy Hiser, for the enrollment of her minor children, Laura B., May and Clarence Hiser, as Chickasaw citizens.

The Commission found that the applicants were not entitled to enrollment as citizens of the Chickasaw Nation.

The record in the case shows that January 29, 1874, Mincy Hiser, the mother of the applicants and a white woman, married William F. Willis, a citizen by blood of the Chickasaw Nation, with whom she lived until his death; that she thereafter, to wit: June 15, 1879, married W. K. Hiser, a white man, who is the father of the applicants. The record also shows that Mincy Hiser is an applicant for enrollment as an intermarried citizen of the Chickasaw Nation.

The records of this office do not show that the application of Mincy Hiser for the enrollment of herself

--2--

has been passed upon by the Department, and it is thought that her case should be decided before the application for the enrollment of her children is considered.

It is therefore respectfully recommended that the Commission to the Five Civilized Tribes be directed to forward, at an early date, the record relative to the application of Mincy Hiser for the enrollment of herself as an intermarried citizen of the Chickasaw Nation.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner

GNW

3 inclosures.

(COPY)

(D.C.No. 10506-1902)

J.P.

F.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I.T.D. 2737-1902.

June 21, 1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Mincy Hiser for the enrollment of her minor children, Laura B., May and Clarence Hiser, as Chickasaw citizens. The case was transmitted with your letter of April 2, 1902.

It appears that Mincy Hiser is a white woman; that in 1874 she married William F. Willis, a citizen of the Chickasaw Nation by blood; that after his death she married in 1879 W. K. Hiser, a white man. The applicants are children of these latter-mentioned persons. The name of Mincy Hiser is found on the 1896 census roll of the Chickasaw Nation among a list of doubtful claimants to intermarried citizenship in said nation. None of the claimants has been recognized as a citizen of the nation, "and duly and lawfully enrolled or admitted as such". You rejected the application, referring to that portion of the act of June 28, 1898 (30 Stat., 495),

which provides that your Commission "is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes; "and to the act of May 31, 1900 (31 Stat., 221), which provides: "That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof and duly and lawfully enrolled or admitted as such, and its refusal of such application shall be final when approved by the Secretary of the Interior."

The Acting Commissioner of Indian Affairs recommends, April 28, 1902, that as Mincy Hiser is an applicant before you for enrollment of herself as an intermarried citizen, you be instructed to forward the record in her case, to be considered in connection with the case now under consideration.

- 3 -

The Department is not certain as to the exact ground upon which you rejected this application. It was held in the decision of the United States Court acting under the act of June 10, 1896 (29 Stat., 321), that "White men who have married Choctaws in accordance with their statutes, and the wife dies, and the widower afterwards marries a white woman, are, with the children of such marriage, entitled to enrollment."

The Department does not understand that there is anything in the act of May 31, 1900, authorizing the rejection of the application.

Presuming that you intended to hold that a person seeking enrollment as a descendant of an intermarried citizen of the Chickasaw Nation must show that one of his parents is a citizen by blood, the papers are returned in order that you may explicitly state your views to the Department, or, if the Department is wrong in this particular, that you may clearly inform the Department as to the views of your Commission in this case. You are requested in resubmitting the case to transmit the record in the case of Mincy Hiser.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

F. L. Campbell,
Acting Secretary.

EMD

2 inclosures.

D.C. 13260-1902.

48424

T. P.
EAP.

ITD.2737-1902.
L.R.S.

DEPARTMENT OF THE INTERIOR.

Washington. August 13, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Referring to departmental letter of June 21, 1902,
relative to application for enrollment of Laura B. Hiser et al.,
as Chickasaw citizens, an early report in the matter is requested.

Respectfully,

Thos. Ryan.

Acting Secretary.
Del.

COPY.

Chickasaw R 12.

Muskogee, Indian Territory, January 6, 1903.

The Honorable,

The Secretary of the Interior,

Sir:

Receipt is hereby acknowledged of Departmental communication of December 6, 1902, referring to Departmental letters of June 21, 1902, and August 21, 1902, (I.T.D. 2737-1902), and asking for a report in the matter of the application of Minoy Hiser for the enrollment of herself and her children as Chickasaw Indians.

Reporting on this matter the Commission has the honor to advise that in accordance with Departmental instructions of October 23, 1902, (I.T.D. 3132, 5308, 5493-1902) in the analogous case of Matt Davis, et al. applicants for enrollment as citizens of the Choctaw Nation, the record in this case is being held pending the action of the Citizenship Court created under the act of Congress approved July 1, 1902.

Respectfully,

Tams Dixby.

Acting Chairman.

T. B. Needles

Commissioner.

O. R. Breckinridge

Commissioner.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, Jan. 20, 1903.

Land.
1966-1903.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of December 6, 1902, I.T.D. 2737-1902 -- requesting the commission to report on the application of Mincy Hiser for the enrollment of herself and her minor children as Chickasaws, there is enclosed, herewith, a report dated January 6, 1903, from the Commission to the Five Civilized Tribes, in which it is stated that in accordance with departmental instructions in the Matt Davis case, of October 23, 1902, -- I.T.D. 3132, 5308 and 5493, the record in the Mincy Hiser case is being held pending action by the citizenship court created by the Act of Congress approved July 1, 1902.

The approval of the Commission's action is recommended.

Very respectfully,

W. A. Jones,

Commissioner.

G.W.

(G.A.W.)

P.

D.C. 2649-1903.

(COPY).

RAP.

DEPARTMENT OF THE INTERIOR.

ITD.546-1903.
L.R.S.

WASHINGTON, January 24, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen.

Referring to your letter of January 6, 1903, you are informed that the Department approves, as recommended by the Commissioner of Indian Affairs, your action in holding the record in the case of Mincy Hiser, et al., applicants for enrollment as Chickasaw Indians, pending the action of the citizenship court created by the act of July 1, 1902. A copy of the Commissioner's letter is inclosed herewith.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

COPY.

Muskogee, Indian Territory, February 12, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

On April 2, 1902, the Commission to the Five Civilized Tribes forwarded the record in the matter of the application of Laura B. Niser, et al. for enrollment as citizens of the Chickasaw Nation, together with its decision of April 2, 1902, refusing said application.

On June 21, 1902, the Secretary of the Interior remanded the record in this case for further investigation, and on January 6, 1903, in response to Departmental communications of June 21 and August 21, 1902, (I.T.D. 2727-1902) the Commission reported that in accordance with Departmental instructions of October 23, 1902, (I.T.D. 3132, 5200, 5493-1902) in the analogous case of Matt Davis, et al. the record in this case was being held pending the action of the Choctaw and Chickasaw Citizenship Court.

I now have the honor to report that on February 6, 1904, there was filed with the Commission the protest of the attorneys for the Choctaw and Chickasaw Nations, dated January 23, 1904, in which they request, under authority granted by the Department in its letter to the Commission of November 18, 1903, (I.T.D. 7122-1903) that

final decision in the case of Laura B. Hiser, et al. be postponed until the decision of the Choctaw and Chickasaw Citizenship Court in the case of Joanna Nickle, et al., versus the Choctaw and Chickasaw Nations.

The record in the matter of the application of Laura B. Hiser, et al. is being held by the Commission, under the direction of the Secretary of the Interior of January 24, 1903, approving the report of the Commission of January 6, 1903, and the protest of the attorneys for the Choctaw and Chickasaw Nations, above referred to, pending further Departmental instructions.

Respectfully,

T. B. Needles

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

RJH
August 31, 1904.

D.C. 41541-1903.
I.T.D. 2737-1902.
2326-1904.

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

By letter of February 12, 1904, the Commission to the Five Civilized Tribes advised the Department that the record in the matter of the application of Laura B. Hiser, et al., for enrollment as citizens of the Chickasaw Nation, was being held in the office of the Commission pending the decision of the Choctaw and Chickasaw Citizenship Court in the case of Joanna Hickle, et al., versus the Choctaw and Chickasaw Nations, since which date the Department is without further information.

You are again requested to transmit a report in the matter.

Respectfully,

THOS. RYAN,
Acting Secretary.

COPY.

Muskogee, Indian Territory, October 20, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to acknowledge receipt of Departmental letter of August 31, 1905 (I.T.N. 2737-1902, 2326-1904) inviting attention to a letter of the Commission to the Five Civilized Tribes of February 12, 1904, in reference to the application of Wincy Hiser for the enrollment of her three minor children, Laura B., May and Clarence Hiser, as citizens of the Chickasaw Nation. The Department requested that further report be submitted in the case.

I have the honor to report that the decision of the Commission to the Five Civilized Tribes of April 2, 1902, refusing the application for the enrollment of Laura B. Hiser, May Hiser and Clarence Hiser, as citizens of the Chickasaw Nation, was rendered upon the hypothesis that the applicants were white persons, the children of Wincy Hiser who was then an applicant for enrollment as an intermarried citizen of the Chickasaw Nation and W. K. Hiser, a white man, who was married to Wincy Hiser subsequent to the death of her alleged Chickasaw husband.

The record in the case was transmitted to the Department on April 2, 1902, and on June 21, 1902 (I.T.D. 2737-1902) the De-

partment remanded the case with the request that the Commission to the Five Civilized Tribes explicitly state its reasons for concluding that the children were not entitled to enrollment as citizens of the Chickasaw Nation and that in resubmitting the case there also be transmitted, for the consideration of the Department, the record in the matter of the application of Vincy Hiser for enrollment as an intermarried citizen of the Chickasaw Nation.

On August 13, 1902 the Department referring to its previous letter of June 21, 1902, requested an early report upon the matters referred to in said letter. On December 6, 1902, no reply having been received by the Department to its letters of June 21 and August 13, 1902, the Commission to the Five Civilized Tribes was again requested to submit a report in the case. On January 6, 1903, it was reported that in accordance with Departmental instructions of October 23, 1902, in the analogous case of Matt Davis et al., applicants for enrollment as citizens of the Choctaw Nation, no further proceedings had been taken in the matter of the enrollment of the three Hiser children.

On January 24, 1903 (I.T.D. 546-1903) the Department approved the action taken by the Commission to the Five Civilized Tribes, as outlined in its report of January 6, 1903.

Further reporting in this matter, the Commission to the Five Civilized Tribes on February 12, 1904, advised the Department that on February 6, 1904, the attorneys for the Choctaw and Chickasaw

Nations had filed a request, under the authority granted by the Department in its letter of November 18, 1903 (I.T.D. 7122-1903) that no further action be taken in the case of the Hiser children until the rendition by the Choctaw and Chickasaw Citizenship Court of its decree in the analogous case of Joanna Nickle, et al. versus the Choctaw and Chickasaw nations, in which case it was alleged the Citizenship Court would decide the question as to whether white persons, the widows or widowers of deceased Choctaw or Chickasaw spouses, could confer citizenship upon white husbands or wives whom they might marry, and upon their white children by such marriages.

The decree of the Choctaw and Chickasaw Citizenship Court in the Joanna Nickle case, Number 37 on the South McAlester docket of said court, was rendered November 28, 1904. Copies of the decree and opinion of the Citizenship Court in the Nickle case have heretofore been furnished the Department.

On March 30, 1905 (I.T.D. 11856-1904, 3130-1905) the Department, in the analogous case of Mary Elisabeth Martin, an applicant for enrollment as a citizen of the Choctaw or Chickasaw Nation, transmitted to the Commission to the Five Civilized Tribes an opinion of the Assistant Attorney General for the Department of the Interior, approved March 24, 1905, in which it was held that the applicant, Mary Elisabeth Martin, upon the facts stated, was born to the allegiance of either the Choctaw or Chickasaw Nation as might be determined under the provisions of the Act of Congress approved June

28, 1898 (50 Stat., 495) and that she was a descendant of a person whose name appears upon the rolls of either the Choctaw or Chickasaw Nation "born since such rolls were made" her application should be considered and adjudicated upon its merits.

On April 21, 1905, the Department directed the Commission to the Five Civilized Tribes to suspend all enrollment and allotment proceedings concerning the applicant, Mary Elizabeth Martin, pending the consideration by the Department of a motion for review in said case.

Subsequent to the opinion of the Assistant Attorney General of March 24, 1905 and prior to the Department's directions of April 21, 1905 in the Mary Elizabeth Martin case, the Department on April 1, 1905 (I.T.D. 11846-1904, 3132-1905), in the matter of the application for enrollment of Martha A. Archerd and her daughter, Sarah Archerd, as citizens of the Chickasaw Nation, affirmed the decision of the Commission to the Five Civilized Tribes of October 15, 1904, refusing the application of Martha A. Archerd, and reversed the same as to her child, Sarah A. Archerd, and directed that the latter be enrolled as a citizen of the Chickasaw Nation.

August 23, 1905, the Department advised this office that on August 14, 1905, the attorneys for the Choctaw and Chickasaw nations had filed a request to the effect that the Commissioner be directed to suspend action upon the Chickasaw enrollment case of

Sarah Archerd until Departmental action had been taken upon a motion filed by said attorneys in the analogous case of Mary Elizabeth Martin. This office was directed by Departmental letter of August 23, 1903, to suspend action in the Archerd case in conformity with the request of the attorneys for the Choctaw and Chickasaw nations.

Since the original decision of the Commission to the Five Civilized Tribes of April 2, 1902, refusing the application for the enrollment of Laura B., May and Clarence Wiser, as citizens of the Chickasaw Nation the right of Wincy Wiser the mother of the applicants, to enrollment as a citizen by intermarriage of the Chickasaw Nation has been finally determined and her name appears opposite Number 448 upon a schedule, constituting a part of the final roll of the citizens by intermarriage of the Chickasaw Nation, which was transmitted to and approved by the Secretary of the Interior October 21, 1904.

Under the instructions of the Department in the Mary Elizabeth Martin and Sarah Archerd cases, no further proceedings have been taken in reference to the application for the enrollment of the Wiser children as citizens of the Chickasaw Nation as the question presented in the latter case is analogous to that involved in the Mary Elizabeth Martin and Sarah Archerd cases.

I have, therefore, to respectfully recommend that no further action be taken with reference to the enrollment of Laura B.

Miss, New York, New York, as citizens of the Chickasaw Nation until final disposition by the Department of the Navy. Miss- both Martin and Sarah Archard have,

Respectfully,

SIGNED *Tams Bixby*

Commissioner.

Through the
Commissioner of Indian Affairs.

Refer in reply
to the
following:

Land.
11542-1904.
69767-1905.
85291-1905.

COPY.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

October 30, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Permit me to invite your attention to the enclosed letter of the Commissioner to the Five Civilized Tribes, of the 20th instant, acknowledging receipt of Departmental letter of August 31, 1905 (I. T. D., 2737-1902, 2326-1904), inviting attention to a letter of the Commission to the Five Civilized Tribes of February 12, 1904, relative to the application of Mincy Hiser for the enrollment of her three children, Laura B., May and Clarence Hiser, as citizens of the Chickasaw Nation. The Department requested that further report be submitted in the case.

Mr. Bixby reports that the decision of the Commission to the Five Civilized Tribes of April 2, 1902, refusing the application for the enrollment of Laura B., May and Clarence Hiser as citizens of the Chickasaw Nation was rendered upon the hypothesis that the applicants were white persons, the children of Mincy, Hiser, who was then an applicant for enrollment as an intermarried citizen of the Chickasaw Nation, and W. H. Hiser, a white man, who was married to Mincy Hiser subsequent to the death of her alleged Chickasaw husband.

The record in the case was transmitted to the Department

on April 2, 1902, and on June 21, 1902 (I. T. D., 2737-1902), the Department remanded the case, with the request that the Commission explicitly state its reasons for concluding that the children were not entitled to enrollment as citizens of the Chickasaw Nation, and that in resubmitting the case there also be transmitted for the consideration of the Department the record in the matter of the application of Mincy Hiser for enrollment as an intermarried citizen of the Chickasaw Nation.

On August 13, 1902, the Department, referring to its previous letter of June 21, 1902, requested an early report upon the matters referred to in that letter. On December 6, 1902, no reply having been received by the Department to its letters of June 21 and August 13, 1902, the Commission was again requested to submit a report in the case. On January 6, 1903, it was reported by the Commission that in accordance with Departmental instructions of October 23, 1902, in the analogous case of Matt Davis, et al., applicants for enrollment as citizens of the Choctaw Nation, no further proceedings had been taken in the matter of the enrollment of the three Hiser Children.

On January 24, 1903 (I. T. D., 546-1903), the Department approved the action taken by the Commission as outlined in its report of January 6, 1903.

Further reporting in the matter, Mr. Bixby says the Commission to the Five Civilized Tribes, on February 12, 1904, advised the Department that on February 6, 1904, the attorneys for the Choctaw and Chickasaw Nations had filed a request, under the authority granted by the Department in its letter of November 18,

1903, (I. T. D., 7122-1903), that no further action be taken in the case of the Hiser children until the rendition by the Choctaw and Chickasaw Citizenship Court of its decree in the analogous case of Joanna Mickle, et al., in which case it was alleged the court would decide the question as to whether white persons, the widows or widowers of deceased Choctaw or Chickasaw spouses, could confer citizenship upon white husbands or wives whom they might marry, and upon their white children by such marriages.

The decree of the Choctaw and Chickasaw Citizenship Court in the Joanna Mickle case was rendered November 28, 1904. Copies of the decree and opinion of the citizenship court in that case have heretofore been furnished the Department.

On March 30, 1905, (I. T. D., 11856-1904, 3130-1905), the Department, in the case of Mary Elizabeth Martin, an applicant for enrollment as a citizen of the Choctaw or Chickasaw Nations, transmitted to the Commission to the Five Civilized Tribes an opinion of the Assistant Attorney General for the Department of the Interior, approved March 24, 1905, in which it was held that the applicant, Mary Elizabeth Martin, upon the facts stated, was born to the allegiance of either the Choctaw or Chickasaw Nations, as might be determined under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and that she was a descendant of a person whose name appears upon the rolls of either the Choctaw or Chickasaw Nations, "born since such rolls were made," her application should be considered and adjudicated upon its merits.

On April 21, 1905, the Department directed the Commission to suspend all enrollment and allotment proceedings concerning the applicant, Mary Elizabeth Martin, pending the consideration by the Department of a motion for review in that case.

Subsequent to the rendition and approval of the opinion of the Assistant Attorney General of March 24, and prior to the Department's directions of April 21 in the Mary Elizabeth Martin case, the Department, on April 1, 1905 (I. T. D., 11846-1904, 3132-1905), in the matter of the application for enrollment of Martha A. Archerd and her daughter, Sarah Archerd, as citizens of the Chickasaw Nation, affirmed the decision of the Commission to the Five Civilized Tribes of October 15, 1904, refusing the application of Martha Archerd, and reversed the decision as to her child, Sarah Archerd, and directed that the latter be enrolled as a citizen of the Chickasaw Nation.

August 23, 1905, the Department advised the Commissioner that on August 14 the attorneys for the Choctaw and Chickasaw Nations had filed a request, to the effect that the Commissioner be directed to suspend action upon the Chickasaw enrollment case of Sarah Archerd until Departmental action had been taken upon a motion filed by the attorneys in the analogous case of Mary Elizabeth Martin. He was also directed, by Departmental letter of August 23, to suspend action in the Archerd case, in conformity with the request of the attorneys for the Choctaw and Chickasaw Nations.

Since the original decision of the Commission to the Five Civilized Tribes, of April 2, 1902, refusing the application

for the enrollment of Laura B., May and Clarence Hiser as citizens of the Chickasaw Nation, the right of Mincy Hiser, the mother, to enrollment as a citizen by intermarriage of the Chickasaw Nation has been finally determined, and her name appears opposite No. 448 upon a schedule constituting a part of the final roll of the citizens by intermarriage of the Chickasaw Nation, which was transmitted to and approved by the Secretary of the Interior October 21, 1904.

Under the instructions of the Department in the Mary Elizabeth Martin and Sarah Archerd cases, no further proceedings have been taken in reference to the application for the enrollment of the Hiser children as citizens of the Chickasaw Nation, as the question presented in the latter case is similar to that involved in the Mary Elizabeth Martin and Sarah Archerd cases.

Mr. Bixby therefore recommends that no further action be taken on the enrollment of Laura B. Hiser, May Hiser and Clarence Hiser as citizens of the Chickasaw Nation until final disposition by the Department of the Mary Elizabeth Martin and Sarah Archerd cases, in which recommendation I concur.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EBH-Ma

COPY.

DEPARTMENT OF THE INTERIOR,

J.P.

I.T.D. 14342-1905.
D.C. 56576-1905.

WASHINGTON.

FHE.
December 15, 1905.

L.R.S.

Commissioner to the Five Civilized Tribes?
Muskogee, Indian Territory.

Sir:

In your letter of October 20, 1905, you recommended that no further action be taken relative to the application of Mincy Hiser for the enrollment of her children, Laura B., May, and Clarence Hiser, as citizens of the Chickasaw Nation, until the Department had finally disposed of the case of Mary Elizabeth Martin.

With letter of December 13, 1905, you were furnished a copy of the opinion of the Assistant Attorney General of December 8, 1905, approved, in the Martin case. You will dispose of the application of Mincy Hiser in accordance therewith.

A copy of Indian Office letter of October 30, 1905, (Land 85291), submitting your report, is inclosed.

Respectfully,

(Signed) Thos. Ryan.
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inclosure.

9-R-12

Muskogee, Indian Territory, December 30, 1905.

William Henry White,
Attorney at Law,
406 Fifth Street, North West,
Washington, D. C.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 21, 1905, inclosing brief in duplicate for applicants in the matter of the application for enrollment as citizens of the Chickasaw Nation of Laura B., May and Clarence Hiser. You request that this case be taken up as soon as practicable, and that you be notified of such action.

In reply to your letter you are advised that the briefs have been filed with the record in this case.

You are further advised that on December 15, 1905, the Department directed that the application for the enrollment of Laura B., May and Clarence Hiser be disposed of in accordance with the opinion of the Assistant Attorney General in the Chickasaw enrollment case of Mary Elizabeth Martin, and in the event further evidence is necessary to enable this office to dispose of said case, you will be duly notified.

Respectfully,

Commissioner.

9-R-12

Muskogee, Indian Territory, February 5, 1906.

Wincy Wiser,

Durwood, Indian Territory.

Dear Madam:

You are hereby advised that on December 15, 1906, the Secretary of the Interior directed that the application for the enrollment of your children Laura B., May and Clarence Wiser be disposed of in accordance with the opinion of the Assistant Attorney General in the Choctaw enrollment case of Mary Elizabeth Martin.

For your information there is inclosed herewith circular giving full information as to procedure to be followed in the presentation of cases coming within the ruling of the Department in the case of Mary Elizabeth Martin above referred to.

Respectfully,

M. E. W.

Acting Commissioner.

6

9-B-12

Muskogee, Indian Territory, June 7, 1906.

E. A. Walker,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 31, 1906, transmitting application for the enrollment of W. R. Hiser, Clarence Hiser, Laura Belle Hiser and Mincie May Scott as citizens of the Chickasaw Nation.

You are advised that the same has been forwarded the Secretary of the Interior for consideration in connection with this case.

Respectfully,

Commissioner.

Muskogee, Indian Territory, March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I am in receipt of a telegram from A. F. McGarr, the employee of this office now in Washington, as follows:

"Commissioner Five Tribes,
Muskogee, I. T.

Secretary of Interior has ordered that names of Minoy Hiser and her children, Laura B., May and Clarence Hiser, be stricken from Chickasaw blood roll if their names have been placed thereon and that you immediately report to him your action in the matter, giving roll numbers if said persons have been enrolled.

A. F. McGarr."

As the time is limited within which cases of this character can be considered by the Department, I will make report in this matter immediately.

The name of Minoy Hiser appears opposite No. 448 upon the final roll of the citizens by intermarriage of the Chickasaw Nation approved by the Secretary of the Interior on October 21, 1904.

It appears from the record in this case that on January 29, 1874, the applicant, Minoy Hiser, was married in accordance with the laws, customs and usages of the Chickasaw Nation to William P. Willis, deceased, a recognized citizen by blood of the Chickasaw

(2)

Nation and that at the time of said marriage both persons above mentioned were residents in good faith of the Chickasaw Nation, and that they lived together continuously therein as husband and wife from the date of said marriage until the time of the death of said William P. Willis, which occurred on January 23, 1877, and that on January 25, 1879, the applicant, Mincy Hiser, married W. R. Hiser, a non-citizen white man.

Upon an examination of the tribal rolls of the Chickasaw Nation in the possession of this office, the applicant is identified upon the 1896 census roll of Pickens County, page 83, enrolled thereon as a citizen by intermarriage of the Chickasaw Nation.

It further appears from the records of this office that the applicant has a child by her marriage with the said William P. Willis, one Effie Willis, now the wife of Brutus Bynum and that said child is a recognized citizen by blood of the Chickasaw Nation, whose name appears opposite No. 4482 upon the final roll of citizens by blood of the Chickasaw Nation.

It further appears from the record in this case that the applicant was a resident in good faith of the Indian Territory, on June 28, 1898. Upon the facts as above stated the applicant was enrolled by the Commission as a citizen by intermarriage of the Chickasaw Nation.

(3)

In regard to the minor children, Laura B., May and Clarence Hiser, I have to advise you that it appears from the records of this office that on April 2, 1902, the Commission to the Five Civilized Tribes rendered its decision denying the application for the enrollment of said children as citizens of the Chickasaw Nation, the record being transmitted to the Department on the same date. On June 21, 1902, the case was remanded by the Secretary for further report.

On October 20, 1905, this office reported in the matter and after calling attention to the fact that they are the white children of the said Minoy Hiser and her non-citizen husband, W. R. Hiser, and referring to the applicability of the Mary Elizabeth Martin and Sarah Archerd cases, recommended

" . . . that no further action be taken with reference to the enrollment of Laura B. Hiser, May Hiser and Clarence Hiser as citizens of the Chickasaw Nation until final disposition by the Department of the Mary Elizabeth Martin and Sarah Archerd cases."

Thereafter, on December 15, 1905, (I.T.D. 14342-1905) the Department called attention to the approved opinion of the Assistant Attorney General of December 8, 1905, in the Mary Elizabeth Martin case, and directed this office to dispose of the application for the enrollment of these children in accordance therewith.

No further action seems to have been taken by this office or the parties to this case until June 5, 1906, when there was filed with this office by the applicants a petition praying that

(4)

"... W. R. Hiser, Clarence Hiser, Laura Belle Harris and Mincy May Scott may be enrolled as citizens of the Chickasaw Nation."

It appears that Clarence Hiser, Laura Belle Harris and Mincy May Scott referred to in said petition are the persons for whom application had theretofore been made under the names of Clarence Hiser, Laura B. Hiser and May Hiser.

It does not appear from the records of this office that any application had ever been made prior to the filing of this petition for the enrollment of the said W. R. Hiser, the white husband of Mincy Hiser, and the father of the children above mentioned.

Through some inadvertence this petition was filed with the papers in the matter of the enrollment of Laura B., May and Clarence Hiser, and no action was taken thereon by this office.

However, it does not appear that the rights of these applicants have been jeopardized in any respect by reason of this non action, for the reason that they are the white children of an intermarried citizen of the Chickasaw Nation and a non-citizen white man, and under the opinion of the Attorney General of February 19, 1907, rendered in the Choctaw enrollment cases of Loula West, et al. and William C. Thompson, et al., this class of persons are not held to be entitled to enrollment as citizens of the Choctaw or Chickasaw Nation.

(5)

Also the question of whether or not any application was ever made for the enrollment of the said W. R. Hiser as a citizen of the Chickasaw Nation prior to December 1, 1905, is immaterial, in view of the opinion of the Department as expressed in the case of Emma McMenamin (I.T.D. 11582-1904).

The original decision in the matter of the enrollment of these children, rendered by the Commission on April 2, 1902, is herewith returned to the Department, together with the petition of the applicants, filed with this office on June 5, 1906, and it is not considered that any further action in the matter is required of this office or the Department by reason of the fact that the names of none of these applicants appear upon the final roll of citizens of the Chickasaw Nation, with the exception of Mincy Hiser, heretofore referred to, who is apparently enrolled on the final roll of citizens by intermarriage of the Chickasaw Nation in accordance with law.

Respectfully,

DIRECT.

Commissioner.

Enc.

Chic R-13

Chic R-13

Commission to the Five Civilized Tribes,

South McAlester, Indian Ter.

In the application of Mary Arendell for enrollment as a Chickasaw; being sworn and examined by com'r McKennon she states:

Q What is your name? A Mary Arendell.

Q How old are you? A Thirty-eight.

Q What is your post-office address? A South McAlester.

Q What was your father's name? A Arthur Bradley Gibson.

Q What was your mother's name? A Louvenia F. Daniels was her maiden name..

Q Your mother went, when you were born, to her mother in Texas, in order to be cared for by her mother, and you were born there?

A Yes sir, that is my understanding.

Q Was she then living in the Territory? A Yes sir.

Q Was she living in the Choctaw or the Chickasaw Nation? It was in the Chickasaw Nation.

Q Have you all the while lived in the Chickasaw Nation?

A Yes sir.

Q Until what time, when did you come over to the Choctaw Nation?

A We came here the 20th day of August two years ago I believe it was.

Q What was your father? A He was a Choctaw, and Chickasaw; that is what they tell me.

Q What was your mother? A She was the same, she was something like one-sixteenth or a quarteroon.

Q Do you understand that your father was a full blood or a half-breed? A He was a half-breed, that is what I understood.

Q Were you ever enrolled before 1893? A I have been taken on the census rolls two or three times, but I couldn't tell you what year.

Q When was the first time you was taken on the census roll?

Mary Arendell #2)

A I don't remember, I was little, but the last time I was taken on the census roll was nine or ten years ago.

Q That was for what purpose, do you know? A No sir.

Q You don't know, then, that it was made for the leased District payment? A No sir, I don't.

Q Did you draw money at that time? A I never drew money but once, except school moneys.

Q You did draw money once did you? A I got it.

Q What amount of money did you get? A It was three hundred and something.

Q How many children did you have then? A Three.

Q Were they children by a white man? A Yes sir, by this man I have got.

Q What is his name? A Mitchell B. Arendell.

Q How long have you been married to him? A Seventeen years.

Q You then had three children? A Yes sir.

Q And drew three hundred dollars and something? A Yes sir. That is what they gave me, I don't think that was right; that is what Jackson gave me.

Q What Jackson was that? A I don't know what his given name was.

Q Was he an Indian or a white man? A I don't know, I reckon he was a white man.

Q Do you know whether he is living now? A He is dead I think, that is the report.

Com'r McKennon: We have examined carefully the payrolls of the Chickasaw Nation for 1893, and we fail to find your name, or that of your children, on the pay roll.

Q Is there any other roll that you know of that you can site us to where your name might be found? A No sir, I don't know.

Mary Arendell (3)

Q What are the names of your children? A I have only two living, Grace Juanita Arendell, nine years old; John Mitchell, Arendell, four years old.

Q Chas Com'r Lewis: How many children have you had altogether? A Eight, I lost six.

Q This last one was born since that time? A Yes sir.

Q Did Jim Gibson ever tell you anything about having a brother? A Yes sir.

Q Did he ever tell you his name? A I don't know; he talked to me a heap about it.

Q (Com'r McPherson: She appears to be a half-blood Indian, or less)

S. E. Lewis, being sworn and examined testifies:

Q What is your name? A S. E. Lewis.

Q How old are you? A Fifty-eight.

Q Do you know James Gibson? A Yes sir.

Q Was he a Choctaw Indian? A Yes sir, a full-blood Choctaw.

Q Did he have a brother named Arthur Bradley Gibson? A I never heard of him; he had one brother named Schemonta.

Q Was that the only brother you knew of? A Yes sir the only one I ever heard of.

Q Did you know him intimately? A Yes sir; Schemonta had a son named Isaac, but he afterwards took the name of Gibson, and went by the name of Isaac Gibson.

William Anderson, (Chick. Com'r.) being sworn and examined states

Q What is your name? A William Anderson.

Q How old are you? A Forty-eight.

Q Did you know James Gibson? A Yes sir.

Q Did you know him intimately? A Yes sir.

Q Do you know his family, and know what brothers he had?

Mary Arendell (A)

A Yes sir.

Q Did he have a brother named Arthur Bradley Gibson?

A No sir not as I know of; he had a brother named Shemonta.

Q That the only brother he had? A Yes sir.

Examiner for Chickasaw Atty Cornish:

Q Do you know these people? A No sir.

Q Did you ever see them before? A No sir.

W. Lewis, re-called, states:

Q Do you know these people? A No sir.

Peter Haytubby, (Chickasaw) being sworn and examined testifies as follows:

Q What is your name? A Peter Haytubby.

Q How old are you? A Thirty-two.

Q Do you know James Gibson? A Yes sir.

Q Was he a Choctaw? A Yes sir, full-blood Choctaw.

Q Do you know what brothers he had? A He had but one brother, named Shemonta.

Q Did he have a brother named Arthur Bradley Gibson? A No sir, not as I know of. I never heard of such a name.

Q Do you know this lady, Mrs. Arendell? A No sir, I don't remember that I ever saw her.

Com's reference to applicant: As we don't find you on the roll, your enrollment, and that of your family, will have to be refused.

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify that the foregoing is a true, full and correct translation of the original manuscript.
M. J. Miller

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary Arendell for the enrollment of herself and her two minor children, Grace Juanita and John Mitchell Arendell, as citizens by blood of the Chickasaw Nation.

D E C I S I O N .

It appears from the record in this case that in September 1899 the applicant appeared before the Commission at South McAlester, Indian Territory, and made application for the enrollment of herself and her two minor children, Grace Juanita Arendell and John Mitchell Arendell, as citizens by blood of the Chickasaw Nation.

It appears from the evidence offered in support of said application and examination of the tribal rolls of the Chickasaw Nation in the possession of the Commission that the applicants above named have never been enrolled as citizens of the Chickasaw Nation and that their names do not appear upon the tribal rolls of the Chickasaw Nation.

It further appears from an examination of the records in the possession of the Commission that these applicants have never been admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes, or the legally constituted authorities of the said Nation or the United States Court in Indian Territory on appeal in accordance with the act of Congress of June 20, 1896, (29 Stats., 321).

The act of Congress of June 25, 1896, (29 Stats., 490), provides

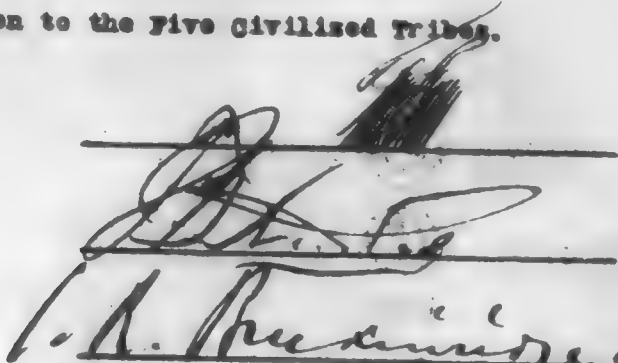
"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 221), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is therefore the opinion of this Commission that Mary Arendell and her two minor children, Grace Juanita Arendell and John Mitchell Arendell, are not lawfully entitled to be enrolled as members of the Chickasaw Tribe of Indians in Indian Territory and that their application as such should be refused and it is so ordered.

The Commission to the Five Civilized Tribes.


L. A. Rushmore
Commissioner

Dated at Muskogee, Indian Territory,
this -- JAN 24 1902

Mustagee, Indian Territory, January 24, 1902.

Mary Arendall,

South McAlester, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and your two minor children, Grace Fannin and John Mitchell Arendall, as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Sam Kirby

Acting Chairman

1 inclosure.
Chickasaw N 13
Registered.

Muskogee, Indian Territory, January 24, 1902.

Messrs Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
 South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Mary Arendell, Grace Juanita Arendell and John Mitchell Arendell, as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Tams Birby

Acting Chairman.

1 enclosure;
 Chickasaw N 13
 Registered.

Muskogee, Indian Territory, January 24, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Mary Arendell for the enrollment of herself and her two minor children, Grace Juanita and John Mitchell Arendell, as citizens of the Chickasaw Nation, including the decision of the Commission, dated January 24, 1902, refusing the application for the enrollment of Mary Arendell, Grace Juanita Arendell and John Mitchell Arendell as citizens of said nation.

Respectfully,

Tams Bixby

Acting Chairman.

1 enclosure

Chickasaw R 13

Through the Commissioner
of Indian Affairs.

Muskogee, Indian Territory, February 4, 1902.

M. B. Arendell,

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 31, 1902, relative to the rights to enrollment as citizens of the Chickasaw Nation of your wife, Mary Arendell and two minor children, Grace Juanita and John Mitchell Arendell and in which you refer to the decision of the Commission of January 24, 1902, refusing their enrollment as citizens of the Chickasaw Nation, and desire to be advised if you will now be allowed to offer additional testimony in support of their application for enrollment as citizens of the Chickasaw Nation.

The Commission in its decision of January 24, 1902, after a careful consideration of the evidence submitted in support of the application for the enrollment of these persons as citizens of the Chickasaw Nation and an examination of the records of the Chickasaw Nation in its possession, and also of these persons duly admitted to citizenship under the act of Congress of June 10, 1896, found that your wife and two children were not entitled to enrollment as citizens of the Chickasaw Nation.

On January 24, 1902, the record in this case was forwarded

MEMO

1

to the Secretary of the Interior for his review and the Commission is now without jurisdiction or authority to in any manner add to that record or receive or consider any further evidence in support of the application for the enrollment of these persons as citizens of the Chickasaw Nation.

Yours truly,

Acting Chairman.

9 R 13

U.S. ARMY

RECEIVED

EX-11

D. C. No. 3766-1902.

(COPY)

L. R. S.

12970

J. P.
F.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I.T.D.1136 &
1101-1902.

February 28, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Your decision of January 24, 1902, rejecting the application for enrollment of Mary, Grace Juanita and John Mitchell Arendell as citizens by blood of the Chickasaw Nation, case R 13, in accordance with the act of May 31, 1900, (31 Stat., 221), is hereby affirmed, as recommended by the Commissioner of Indian Affairs in letter of February 14, (Copy enclosed).

Respectfully,

Thos Ryan

Acting Secretary.

RD

1 enclosure.

COPY

Muskegee, Indian Territory, March 13, 1902.

Mary Arendell,

South McAlester, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of February 28, 1902, affirmed the decision of the Commission, dated January 24, 1902, denying the application made by you for the enrollment of yourself and your minor children, Grace Juanita and John Mitchell Arendell as citizens of the Chickasaw Nation.

Yours truly,

SIGNER

T. B. Needles.

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, March 13, 1902.

Mansfield, McMurray & Gornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of February 28, 1902, affirmed the decision of the Commission, dated January 24, 1902, denying the application made by Mary Arendell for the enrollment of herself and her minor children, Grace Juanita and John Mitchell Arendell as citizens of the Chickasaw Nation.

Yours truly,

(SIGNED) J. D. WOODWARD.

Commissioner in Charge.

Chic .R-14

Chic .R-14

Mary Mc. Bee.

Record transferred to Chickasaw
Memorandum case # 11

Chic. R-15

Chic. R-15

Commission to the Five Civilized Tribes,
Durant, Indian Territory.

In the enrollment of the children of James A. Orr as Chickasaws; being sworn and examined by Com'r McKennon he testifies:

Q What is your name? A James A. Orr.

Q How old are you? A 47.

Q You claim that your former wife was a Chickasaw?

A Yes sir, of course I didn't know anything about her nationality. Q Do you know whether she was ever enrolled or not?

A No sir.

Q You have four children by her? A Yes sir.

Q What is the oldest one's name? A James D. aged 14.

Q Next one? A Lula M., she is 12, Samuel M. 9 years old, and Oscar.

Q You have been living in the Nation with these children and never had them enrolled? A No sir I had to prove up their rights and never did get it all proved up.

Q She never was enrolled? A No sir, I think not.

Com'r McKennon: We have no authority to enroll them, and their enrollment will be refused.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
stenographer to the named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. Jones

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of James D. Orr, Lula M. Orr, Samuel M. Orr and Oscar Orr, as citizens of the Chickasaw Nation.

D E C I S I O N .

It appears from the record in this case that in August 1899, James A. Orr appeared before the Commission at Durant, Indian Territory, and made application for the enrollment of his four minor children, James D. Orr, Lula M. Orr, Samuel M. Orr and Oscar Orr, as citizens of the Chickasaw Nation.

It does not appear from an examination of the tribal rolls of the Chickasaw Nation in the possession of the Commission that the applicants above named have been enrolled as citizens of the Chickasaw Nation; nor do their names appear upon the tribal rolls of the Chickasaw Nation; neither does it appear that they have been admitted to citizenship in the Chickasaw Nation by the legally constituted authorities of the said Nation.

It appears from an examination of the records of the Commission that James A. Orr, the father of the applicants above named, applied to the Commission to the Five Civilized Tribes in 1896 for citizenship in the Chickasaw Nation for himself, his wife and his four minor children, under the act of Congress of June 10, 1896, and was by the Commission denied citizenship in the Chickasaw Nation for himself, his wife and his four minor children, in case Number 145, and that no appeal was taken from the said decision of the Commission, to the United States Court in Indian Territory, within the time prescribed in the act of Congress of June 10, 1896, (29 Stat., 321).

-2-

James A Orr is now an applicant to this Commission for enrollment as an intermarried citizen by virtue of his marriage on March 28, 1899, to Harriet Wolfe a citizen by blood of the Chickasaw Tribe of Indians.

The act of Congress of June 28, 1898 (30 Stats., 495). provides:

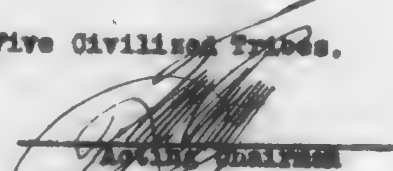

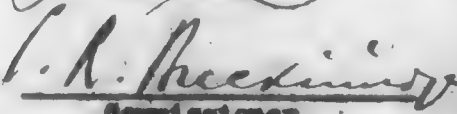
"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 321), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is therefore the opinion of this Commission that James D. Orr, Lula M. Orr, Samuel M. Orr and Oscar Orr, are not lawfully entitled to be enrolled as members of the Chickasaw Tribe of Indians in Indian Territory and that their application as such should be refused and it is so ordered.

The Commission to the Five Civilized Tribes.


Acting Chairman

Commissioner

L. R. Beckwith
Commissioner.

Dated at Muskogee, Indian Territory

This APR -2 1902

Muscogee, Indian Territory,

August 18th, 1900.

James D. Orr,

Durwood, Indian Territory,

Dear Sir:

You are hereby notified that the Chickasaw Nation, through its attorneys, messrs McKennon, Mansfield, McMurrau, & Cornish, has filed with this Commission a notice of protest to your enrollment and the enrollment of Lula M., Samuel M., and Oscar Orr as citizens of the Chickasaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Chickasaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

9-R-15.

Copy.

Chickasaw R 13

Washington, Indian Territory, April 2, 1902.

James A. Orr,
Barwood, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes as the matter of the application made by you for the enrollment of your four minor children, James D., Lula M., Samuel M. and Oscar Orr as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

SIGNED C. R. Breckinridge.

Commissioner in Charge.

1 enclosure
Register.

Chickasaw B 15

CCP

Washington, Indian Territory, April 2, 1902.

Mansfield, Murray & Cornish,

Attorneys for the Cherokee and Chickasaw Nations,

Beale, McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of James E., Isaac M., Samuel W. and Oscar Orr as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Very truly,

Yours truly,

C. R. Breckinridge.

Commissioner in Charge.

1 enclosure
Register.

COPY

Shallegee, Indian Territory, April 8, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the report of proceedings in the matter of the application of James A. Orr for the enrollment of his four minor children, James D., Lula M., Samuel M. and Oscar Orr, as citizens of the Chickasaw Nation, including the decision of the Commission, dated April 8, 1902, refusing the application for the enrollment of James D., Lula M., Samuel M. and Oscar Orr as citizens of said nation.

Respectfully,

(SIGNED)

C. R. Breckinridge.

Commissioner in Charge.

1 enclosure.

Through the Commissioner
of Indian Affairs.

COPY

D. C. No. 6452-1902

Refer in reply to
the following:
Land
20614 -- 1902.

C F L

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Washington, April 15, 1902.

The Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

Referring to your report of April 2, 1902, transmitting the record relative to the application of James A. Orr, et al., for citizenship in the Chickasaw Nation, Indian Territory, you are advised that your decision in said case, which is dated April 2, 1902, shows that said James A. Orr applied to the Commission for admission to citizenship in said nation in 1896, under and in accordance with the provisions of the act of June 10, 1896; that his application was denied as well as that of his wife and minor children, and that no appeal was taken from the decision of the Commission.

Your decision also shows that "James A. Orr is now an applicant to this Commission for enrollment as an intermarried citizen by virtue of his marriage, on March 28, 1898, to Harriet

Wolfe, a citizen by blood of the Chickasaw tribe of Indians."

It also appears from your decision that said Orr applied to the Commission for enrollment as a citizen by intermarriage in August 1899. The above quotation from your decision is not shown by the record in the case other than your decision, and you are respectfully requested to advise this office whether said Orr and Harriet Wolfe were married in accordance with the laws of the Chickasaw Nation so that the office will be in a position to properly report the case to the Department.

Very respectfully,

(Signed) A. C. Tonner

Acting Commissioner.

G.A W. (S)

COPY

Chickasaw R 15

Muskogee, Indian Territory, April 19, 1902.

The Commissioner of Indian Affairs,

Washington, D. C.

Sir:

Receipt is hereby acknowledged of your letter of the 15th instant, Land 20614-1902, referring to the report of the Commission of April 2, 1902, transmitting the record in the case of James A. Orr, et al., for citizenship in the Chickasaw Nation, Indian Territory.

You state in your communication that the decision of the Commission of April 2, 1902, shows that James A. Orr applied to the Commission for citizenship in the Chickasaw Nation in 1896 under and in accordance with the provisions of the act of Congress of June 10, 1896; that his application was denied as well as that of his wife and minor children and that no appeal was taken from the decision of the Commission, and further that "James A. Orr is now an applicant to this Commission for enrollment as an intermarried citizen by virtue of his marriage on March 23, 1898 to Harriet Wolfe a citizen by blood of the Chickasaw tribe of Indians." That it further appears from such decision that said Orr applied to the Commission for enrollment as a citizen by intermarriage of the Chickasaw Nation in August, 1899.

Commissioner 2

In conclusion you request that your office be advised whether said Orr and Harriet Wolfe were married in accordance with the laws of the Chickasaw Nation, so that you may be in a position to properly report the case to the Department.

Replying to your communication you are advised that the decision of the Commission of April 2, 1902, was in the matter of the application for enrollment as citizens of the Chickasaw Nation of James D. Orr, Lula M. Orr, Samuel M. Orr and Oscar Orr, the minor children of James A. Orr and Sallie Colbert.

It further appears that under the provisions of the act of Congress of June 10, 1896, James A. Orr under the name of Andy Orr filed with this Commission, an original application for citizenship in the Chickasaw Nation. The original petition does not specifically pray for the admission of any persons as citizens of the Chickasaw Nation but the affidavits filed in support thereof set forth that Andy Orr and his wife, Sallie Colbert and their four minor children are citizens of the Chickasaw Nation and had always been considered as such.

The Chickasaw Nation in its answer filed with the Commission October 31, 1896, also takes cognizance of the wife and four minor children of Andy Orr. The judgment of the denial of the application is merely the word, "Rejected" placed upon the face of the application and on the 1896 citizenship docket.

Commissioner 3

From this decision no appeal was taken to the United States Court in Indian Territory, within the time prescribed by the act of Congress of June 10, 1896.

The Commission in its decision of April 8, 1908, therefore stated that the children, James D. Orr, Lula M. Orr, Samuel M. Orr and Oscar Orr were denied in the original application made by Andy Orr under the act of Congress of June 10, 1896.

At the time of the submission of the application of James A. Orr under the name of Andy Orr in 1896, he was at that time the husband of one, Sallie Colbert, through whom he claimed his rights to intermarried citizenship in the Chickasaw Nation and the application at that time was by virtue of his marriage to Sallie Colbert and the children were applied for as the offspring of his marriage with the said Sallie Colbert.

At Durant, Indian Territory, in August, 1899, James A. Orr made personal application to the Commission for the enrollment of his four minor children, James D. Orr, Lula M. Orr, Samuel M. Orr and Oscar Orr and on the same date also applied for his enrollment as a citizen by intermarriage of the Chickasaw Nation.

It appears from our records that at the time of this application he presented in evidence an original marriage license issued by the County Judge of Pickens County, Chickasaw Nation, under date of March 28, 1899 to Andy Orr to marry Miss Betty Wolfe, a citizen of the Chickasaw Nation and attached thereto is the

Commissioner 4

certificate of A. R. Morrison , a minister of the Gospel, as to the marriage of Andy Orr and Miss Hatty Wolfe on the 29th day of March, 1899.

The applicant, James A. Orr at that time testified that prior to his marriage to Hatty Wolfe, he had been twice married; first, to a woman by the name of Fannie Crawford in the state of Texas with whom he lived until her death, and that subsequently he married in 1884, Sallie Colbert, whom he claims to be a Chickasaw woman and with whom he lived until her death. This Sallie Colbert is the wife applied for in 1896 and is the mother of the children named in the decision of the Commission of April 2, 1902.

Our records show that James A. Orr under the name of Andy Orr was denied admission as an intermarried citizen of the Chickasaw Nation under the act of Congress of June 10, 1896, but that subsequent thereto and on March 28, 1899, he was duly and lawfully married to a recognized and enrolled citizen of the Chickasaw Nation in accordance with the Chickasaw tribal laws.

In the decision of the Commission of April 2, 1902, the rights to enrollment of James A. Orr were not passed upon by the Commission, such decision only covering the children by his second wife, Sallie Colbert, whose rights as citizens by blood of the Chickasaw Nation were denied by the Commission to the Five

Commissioner

Civilized Tribes under the provisions of the act of Congress of
June 10, 1896.

Respectfully,

(Signed) Tams Bixby

Acting Chairman.

(COPY)

Land.
20614-1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, April 29, 1902.

The Honorable

The Secretary of the Interior,

Sir:

There is transmitted herewith a report made April 2, 1902, by Mr. C.R. Breekinridge, Commissioner in charge of the work of the Commission to the Five Civilized Tribes, forwarding the record of proceedings in the matter of the application of James A. Orr for the enrollment of his minor children, James D. Orr, Lula M. Orr, Samuel M. Orr and Oscar Orr, as citizens of the Chickasaw Nation.

It is shown by the record that in 1896 James A. Orr, the father of the applicants, applied for the enrollment of himself and wife, and for the enrollment of his children named above; that his application was denied; and that no appeal was taken from the decision of the Commission. The record also shows that James A. Orr is now an applicant for enrollment as an intermarried citizen by virtue of his marriage to Harriet Wolf, a Chickasaw citizen.

April 2, 1902, the Commission found that the four minor children of James A. Orr were not lawfully entitled to enrollment as citizens of the Chickasaw Nation.

The office respectfully concurs in the decision of the Commission refusing enrollment to the minor children of said James A. Orr, and recommends that it be advised that its decision is affirmed.

Very respectfully,

Your obedient servant,

A.C. TONNER,

Acting Commissioner.

GAV
D

3 inclosures.

(COPY)

D.C. No. 10517-1902)

J.P.
F.

DEPARTMENT OF THE INTERIOR
WASHINGTON.

I.T.D. 2742-1902.

June 21, 1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

Referring to your letter of April 2, 1902, you are advised that the Department affirms your decision of that date, rejecting the application of James A. Orr for the enrollment of his minor children, James D., Lula M. and Samuel M., and Oscar Orr, as citizens of the Chickasaw Nation.

The parties have never been enrolled, recognized or admitted as citizens of said nation. It appears that in 1896 James A. Orr applied to your Commission for the admission of himself, wife and his four minor children to citizenship in said Nation; that his application was rejected, and that no appeal was taken to the United States court in Indian Territory, as prescribed in the act of June 10, 1896 (29 Stat., 321).

The acting Commissioner of Indian Affairs April 29, 1902, recommended that your decision be concurred in. A

copy of his letter is inclosed herewith.

Respectfully,

F. B. Campbell

Acting Secretary

1 inclosure.

A

COPY

Chickasaw R-15

Muskogee, Indian Territory, July 1, 1902.

James D. Orr,

Durwood, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 21, 1902, affirmed the decision of the Commission, dated April 2, 1902, refusing the application made by you for the enrollment of yourself and three minor children, Lula M., Samuel M., and Oscar Orr as citizens of the Chickasaw Nation.

Yours truly,

SIGNED, *E. H. Hootches*

Commissioner in Charge.

COPY.

Chickasaw R-15

Muskogee, Indian Territory, July 1, 1902.

Messrs. Mansfield, McMurray & Connish,
Attorneys for the Choctaw and Chickasaw Nations,
Sault McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 21, 1902, affirmed the decision of the Commission, dated April 2, 1902, refusing the application made by James D. Orr for the enrollment of himself and his three minor children, Lula M., Samuel M. and Oscar Orr, as citizens of the Chickasaw Nation.

Yours truly,

SIGNED,

Commissioner in Charge.

Chic.R-16

Chic.R-16

Commission to the Five Civilized Tribes,
Muskogean, Indian Ter.

In the application for enrollment of the children of Christopher C. Rosemore as a citizen, being sworn and examined by Commissioner McKinnon as follows:

- Q What is your name? A Christopher C. Rosemore.
Q How old are you? A Thirty-one.
Q You were admitted as an intermarried citizen of the Chickasaw Nation? A Yes sir.
Q Was your wife married? A No sir.
Q Is she a white woman? A Yes sir.
Q You are a white man? A Yes sir.
Q You have some children? A Yes sir.
Q What are their names? A Bertie, about seven or eight years old.
Q What is the next one? A Garvin G., about four years old.
Q Next one? A Harry is the next one, and he is on the rolls as is about two years old.
Q These are white children, born by your white wife, and were not included in the judgment admitting you as an intermarried citizen? A No sir.

Commissioner McKinnon: Enrollment is refused these children.

Department of the Interior,

Commissioner
Bureau of Indian Affairs
Washington, D. C.
Geography of the United States
and the Indian Territory
by the Commissioner of the Bureau of Indian Affairs

9-P-16
9-C-107
O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment
of Bertie Passmore, et al., as citizens of the Chickasaw Nation.

D E C I S I O N.

It appears from the census card record in this case that in 1898, application was made to the Commission to the Five Civilized Tribes for the enrollment of Bertie, Garvin G. and Mary Passmore as citizens of the Chickasaw Nation. Subsequent thereto written application was made for the enrollment of William Carroll Passmore as a citizen of said nation.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes of January 2, 1906, there was filed on January 16, 1906, by Potter & Potter, Ardmore, Indian Territory, attorney for petitioners, a petition verified by C. C. Passmore and submitted on behalf of his six minor children, Vistie, Garven Grant, Mary William Carroll, James Ward and Eliza Esther Passmore, praying to be enrolled as citizens of the Chickasaw Nation.

The record in this case shows that all of the applicants herein claim their right to enrollment as citizens of the Chickasaw Nation by reason of being the children of C. C. Passmore, whose name appears as number 507 upon a list prepared by the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), of persons entitled to enrollment as citizens by intermarriage of the Chickasaw Nation, and approved by the Secretary of the Interior, November 16, 1904, and Martha Passmore, a non-citizen white woman.

I am, therefore, of the opinion that following the ruling of the Department of April 24, 1906 (I.T.D. 4048-1906), in the case of Mary Elizabeth Martin, the application and petition for the enrollment of Bertie (or Vistie) Passmore, Garvin G. (or Garven Grant) Passmore, Mary Passmore and William Carroll Passmore as citizens of the Chickasaw Nation, should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

I am further of the opinion that the petition for the enrollment of James Ward Passmore and Eliza Esther Passmore as citizens of the Chickasaw Nation should be denied, under the provisions of the Act of Congress approved April 26, 1906 (Public No. 129), as amended by the Act of Congress approved June 21, 1906 (Public No. 258), and it is so ordered.

Tams Bixby,
Commissioner.

Muskogee, Indian Territory?
Sep 27, 1906

9-C-107

9-R-16

Muskogee, Indian Territory, September 27, 1906.

C. C. Passmore,

Welma, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered September 27, 1906, denying the application and petition for the enrollment of Bertie (or Vistie) Passmore, Garvin G. Passmore (or Garven Grant Passmore), Mary Passmore and William Carroll Passmore, and the petition for the enrollment of James Ward Passmore and Eliza Esther Passmore, as citizens of the Chickasaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tamm D. D.

Commissioner.

Registered.

Incl. 9-C-107

9-R-16

9-C-107

9-R-16

Muskogee, Indian Territory, September 27, 1906.

Potter & Potter,
Attorneys at Law,
Gainesville, Texas.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered September 27, 1906, denying the application and petition for the enrollment of Bertie (or Vistie) Passmore, Garvin G. (or Garven Grant) Passmore, Mary Passmore and William Carroll Passmore, and the petition for the enrollment of James Ward Passmore and Eliza Esther Passmore, as citizens of the Chickasaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Commissioner.

Registered.

Incl. 9-C-107.
7-R-16

C-C-107

9-R-16

Muskogee, Indian Territory, September 27, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered September 27, 1906, denying the application and petition for the enrollment of Bertie (or Vistie) Passmore, Garvin G. (or Garven Grant) Passmore, Mary Passmore and William Carroll Passmore, and the petition for the enrollment of James Ward Passmore and Eliza Esther Passmore, as citizens of the Chickasaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

G. C. ...

Commissioner.

Incl. 9-C-107
7-R-16

Waukegon, Indian Territory, September 27, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application and petition for the enrollment of Bertie (or Vistie) Passmore, Garvin G. (or Garven Grant) Passmore, Mary Passmore and William Carroll Passmore, and the petition for the enrollment of James Ward Passmore and Eliza Esther Passmore, as citizens of the Chickasaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated September 27, 1906, denying said application and petitions.

Respectfully,

Edna E. Davis

Commissioner.

2 Incl. 9-B-16
9-C-102

Through the
Commissioner of Indian Affairs.

(Copy)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON

DO-11829-1907.

Land.
88003-1906.

February 13, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated September 27, 1906, relative to the application for enrollment of Bartie (or Vistie) Pasmore, Garvin G. (or Garven Grant) Pasmore, Mary Pasmore and William Carroll Pasmore, James Ward Pasmore and Eliza Bether Pasmore, as citizens of the Chickasaw Nation. On September 27, 1906, the Commissioner held that the applicants were not entitled to enrollment.

The record shows that the applicants are children of C. C. Pasmore, a citizen by intermarriage of the Chickasaw Nation, and Martha Pasmore a white woman. They have therefore no Indian blood and under the provisions of the Act of June 21, 1904, and the decision of the Department of July 10, 1906 (I.T.D. 2548), in the case of William Jesse Haden, they are not entitled to enrollment.

It is therefore recommended that the decision of the Commissioner adverse to the applicants be approved.

Very respectfully,

C. F. Larabee,

Acting Commissioner.

J. P. B. - HL

Y.P.

O.K.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

D. C. 11229-1907.

I.T.D.

3274, 3276, 3278, 3282,
3372, 3302, 3478, 3484,
4556, 4580, 4576, 4636,
4640, 4684, 4680, 4738,
4740, -1907.

February 26, 1907.

I RS.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Chickasaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed:

Title of Case.

Date of your
Letter of Transmittal.

Turr Bean,
Benjamin G. Vaughn, Jr.,
Leslie W. Adams,
Bertie Passmore et al.,
Wanda O. Cox et al.,
Minnie Robinson et al.,
Blanche Sullivan, et al.,
Walter Lewis Burns
Emily Kemp et al., (Freedmen),
Maria Green, nee Kemp, (Freedmen),
Columbus Kemp et al., (Freedmen),
Necella Washington et al.,
M.D. Carson et al.,

October 2, 1906.
January 11, 1907.
October 4, 1906.
September 27, 1906.
September 27, 1906.
October 4, 1906.
November 30, 1906.
November 14, 1906.
January 3, 1907.
January 31, 1907.
June 13, 1906.
January 22, 1907.
January 21, 1907.

Title of Case.

Date of your
Letter of Transmittal.

Maggie Durant et al.
Flinton Gilbert (Freedman),
Ida Meyers et al. (Freedman),
Robert Melittsky et al., (Freedman)

January 28, 1907.
January 30, 1907.
January 30, 1907.
June 18, 1906.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse N. Wilson

Assistant Secretary.

17 inc. and 24

inc. to Ind Of., with
carbon copy hereof.

AFMc

2-27-07.

Chic. R-17

Chic. R-17

Commission to the Five Civilized Tribes,
Darnest, Indian Territory.

In the application of Earl R. Pitschlyna for enrollment as a Chickasaw; being sworn and examined by Geo'r McKenna he testifies:

Q What is your name? A Earl R. Pitschlyna.

Q How old are you? A Thirty-four.

Q Have you been living in the Territory here? A Off and on, yes sir.

Q When did you first come to the Territory? A The 22 nd day of October, 1896.

Q Had you ever lived here before? A No sir.

Q Where did you come from? A Greencastle, Indiana

Q You never had lived in the Territory before that? A No sir.

Q How long did you remain here then? A Five weeks.

Q Where did you go to then? A I went back.

Q When did you return here? A I returned here the 20th day of last March.

Q And have you been here ever since? A Yes sir.

Q That is all the residence you have ever had in the Territory?

A Yes sir.

Q Were ever you admitted by the councilmen? A Yes sir, in 1896, I was placed on the roll.

Q Was there any Act of Council admitting you then? A No sir none that I know of.

Q You were just placed on the roll? A Yes sir, they considered me a Chickasaw Indian.

Q You had never lived here in your life? A No sir.

Q Have you got a family? A No sir, only a wife.

Q Did you have a wife in 1896? A Yes sir.

Q Was she here with you? A No sir, she was in Indiana.

Q You came alone? A Yes sir.

Q Did you bring any effects with you? A No sir, only my

Earl R. Pitchlyan #2)

clothing.

Q You left all your household goods and everything there in Indiana when you came here? A Yes sir.

Q And never came until the 28th of March 1899 was it? A Yes sir.

Q (By Com'r Needles) Did it cost you anything to get on the rolls? A No sir.

Q Was you born and raised in Indiana? A Yes sir.

Q (Com'r McKennon) What is your wife's name? A Nellie.

Q How old is she? A Thirty-three.

Q She is a white woman? A Yes sir, she is here with me now.

Q Were you married to her in Indiana? A Yes sir.

Q She never came to the Territory until you came the last time?

A No sir.

Com'r McKennon: You having failed to establish your residence here prior to June 28th, 1898, your enrollment will be refused; further, the commission holds that you were placed upon the rolls without authority of law. (Found on Chickasaw rolls, page 34.) The enrollment of your wife will be refused also.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to the named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

Madame

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Earl R. Pitchlynn for enrollment as a citizen by blood of the Chickasaw Nation, and for the enrollment of his wife, Nellie Pitchlynn, as a citizen by intermarriage of the Chickasaw Nation.

D E C I S I O N .

It appears from the record in this case that at Durant, Indian Territory, at an appointment of the Commission beginning August 14, and ending August 18, 1899, the applicant, Earl R. Pitchlynn, made personal application for enrollment as a citizen by blood of the Chickasaw Nation, and for the enrollment of his wife, Nellie Pitchlynn, as an intermarried citizen of the Chickasaw Nation.

It appears from an examination of the tribal rolls of the Chickasaw Nation, in the possession of the Commission, that the name of E. R. Pytehlyn, the applicant herein, is found on page 34 of the 1896 Census Roll of the Chickasaw Nation, Tishomingo County.

It appears from the evidence offered in support of this application that Earl R. Pitchlynn has always been a resident of the state of Indiana, and that he never resided in the Indian Territory until the 20th day of March, 1899.

It does not appear from the evidence, or from an examination of the records of the Chickasaw Nation, in the possession

of the Commission, that the applicants above named, have ever been admitted to citizenship in the Chickasaw Nation by the legally constituted authorities of the tribe.

It appears from an examination of the records in the possession of the Commission that the applicants have never been admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes or by a decree of the United States Court in Indian Territory, in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats.321).

Neither does it appear that Nellie Pitchlynn, for whom application is made as an intermarried citizen of the Chickasaw Nation, has ever been married in accordance with the tribal laws of the Chickasaw Nation to a recognized and enrolled citizen of that nation.

The act of Congress of June 28, 1898, (30 Stats., 495), provides:

"Said commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee) eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes.


.


"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

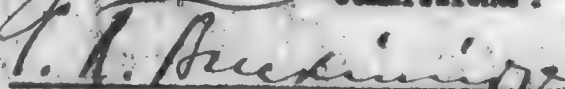
It is therefore the opinion of this Commission that the enrollment of Earl R. Pitchlynn, by the Chickasaw tribal authorities in 1896, was without authority of law, and that

Earl R. Pitchlynn and Nellie Pitchlynn, are not entitled to be enrolled as members of the Chickasaw Tribe of Indians in Indian Territory, and that their enrollment as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory, April 2, 1902.

A Memorial Praying that the E. R. Pitchlynn,
be placed on the Chickasaw Roll.

Whereas, E. R. Pitchlynn, a grand nephew of Peter
B. Pitchlynn for many years a delegate at Washington, D. C. ,
for the Choctaws, and whose father was a Chickasaw by blood; and,

Whereas, he, the said E. R. Pitchlynn is a known
Chickasaw by blood, but who unfortunately was absent from the
Tribe, at the time of the passage of the Curtis Act -----June
28th, 1898; therefore, We the legislature of the Chickasaw Nation
now assembled do most respectfully memorialize the Hon. The
Commission to the Five Civilized Tribes, if within their power,
to have the name of the said E. R. Pitchlynn placed on the
Chickasaw Roll, with all rights and privileges of all Chickasaws
by blood, before the said rolls shall have been made final.

Recommended by, Joe F. Webb

Passed the House this the 24 day of Oct 1899.

Joe Newbury
Speaker of the House.

Attest:
T. W. Greenwood
Clerk.

S E A L

Passed the Senate this 24 day of Oct 1899.

Attest:
J. W. Byrd
Secretary
Senate.

Martin Newberry
President of the Senate, Pro tem.

Approved this 24 day of Oct, 1899

Attest:
C. D. Foster,
National Secy. C. N.

D. H. Johnston
Gov. of the Chickasaw Nation

Commission to the Five Tribes

NO Received.

A Memorial praying that E. R. Pitchlynn
be placed upon Chickasaw Roll.

INDIAN TERRITORY :

SOUTHERN DISTRICT:

On this day personally appeared John D. McLaughlin, who being duly sworn and upon his oath says he has personally known E. R. Pitchlynn since the said E. R. Pitchlynn was nine years of age, and that he John D. McLaughlin knows that said E. R. Pitchlynn is a Chickasaw by blood, and that he is a descendant of the Hon. H. R. Pitchlynn and a nephew of the Hon. F. P. Pitchlynn and that he is justly entitled to enrollment as a Chickasaw Indian.

John D. McLaughlin.

Subscribed and sworn to before me this the 23d day of October A. D. 1899, and I hereby certify that I am personally well acquainted with John D. McLaughlin, Witness my hand and seal of office at Grantham, Indian Territory.

S E A L
(southern)

W. J. E. Welborn, N. P.
S. D. I. T.

UNITED STATES OF AMERICA :

INDIAN TERRITORY :

SOUTHERN DISTRICT ::

Before me the undersigned notary public personally appeared J. C. Kemp, a Chickasaw Indian by blood, and upon oath states that he is personally acquainted with your petitioner E. R. Pitchlynn; that he has known the said E. R. Pitchlynn for about twenty eight years, and that he knows him to be a Chickasaw Indian by blood and entitled to enrollment with the Chickasaw Tribe of Indians as such.

Affiant further states that he (affiant) has been enrolled as a Chickasaw, and that your petitioner is related to him by blood.

Subscribed and sworn to before me this 15 day of October 1899.
J. C. Kemp.
J. B. Mayberry.

In the matter of the application for the enrollment of Earl R. Pitchlynn, as a citizen, by blood of the Chickasaw nation.

P E T I T I O N .

TO THE HONORABLE SECRETARY OF THE INTERIOR:

Your petitioner, Earl R. Pitchlynn, of Tishomingo, Indian Territory, respectfully request that his name be placed upon the final roll of citizens by blood of the Chickasaw nation; and in support thereof, would set forth the following as a true and correct statement of the facts in his case:

Your petitioner was born on the 28th day of August, 1865, in the city of Greencastle, Indiana, to Hiram Pitchlynn, who was possessed of both Choctaw and Chickasaw blood, and Desire A. Pitchlynn, a white woman.

Your petitioner's father was a recognized citizen of both the Choctaw and Chickasaw nations, and was a nephew of Peter P. Pitchlynn who for many years was a delegate to Washington, D. C. in the interest of the Choctaw Nation. Your petitioner's father was sent to school at Greencastle, Indiana, at the expense of the Chickasaw Nation, and after the completion of his education remained in Indiana to practice his profession, that of doctor of medicine. Your petitioner's father returned to the Chickasaw nation once every year during his life time, and continued to draw his annuities and to be recognized as a Chickasaw citizen up to the time of his death.

Your petitioner on October 22, 1896, came to the Chickasaw nation and settled at Tishomingo, Indian Territory, which has been his home and place of residence ever since. At that time, however, your petitioner actually remained in the Chickasaw nation for but five weeks when he returned to Greencastle for the purpose of settling up the estate of his deceased father and his deceased aunt, Miss S. A. Morrow. These estates became involved in litigation and were not finally settled until the spring of 1899, and on March 28, 1899 your petitioner returned to his home in Tishomingo, Indian Territory, where he has

since actually resided. Your petitioner since he took up his residence in the Chickasaw Nation, on October 22, 1896, has considered said place his permanent home, and at no time thereafter has he had any intention of abandoning his residence in the Chickasaw Nation or his rights as a Chickasaw by blood.

As showing that your petitioner has been recognized as a citizen by blood of the Chickasaw Nation by the tribal authorities thereof, attention is called to the fact that said tribal authorities enrolled the name of your petitioner on the 1896, Chickasaw Census Roll, page 34.

Your petitioner appeared before the Commission to the Five Civilized Tribes in 1899 and made his personal application for enrollment as a citizen by blood of the Chickasaw Nation. Subsequently said application was denied by said Commission and said decision affirmed by the Secretary of the Interior. Said Commission in its decision stated that the enrollment of your petitioner on said Census roll of 1896 was without authority of law. But it is contended that such is not the case, because your petitioner is a Chickasaw Indian by blood and was at that time a resident in good faith of the Chickasaw Nation. There is no question but that the tribal authorities at that time had authority to enroll the name of your petitioner upon said roll.

The Commission also stated in its decision denying your petitioner enrollment that he had not prior to June 28, 1898, removed to and settled in good faith in the Choctaw-Chickasaw country, as provided by the Act of Congress approved June 28, 1898 (30 Stats., 495). It is believed that the testimony on file in this case is too meager upon which to base such an opinion and that, following the ruling of the Department in the Cherokee enrollment case of Joseph D. Yargain et al., relative to the question of residence, your petitioner is entitled to enrollment as a Chickasaw citizen by blood.

As above stated, your petitioner removed to and settled in

good faith in the Chickasaw nation on October 22, 1898, and the Chickasaw nation has been his bona fide place of residence since that time. Your petitioner has, since his return to the Chickasaw Nation, voted at all Chickasaw elections, and has been recognized by the tribal authorities of said nation as a citizen thereof.

WHEREFORE, Your petitioner prays that the decision heretofore rendered denying his application for enrollment as a citizen by blood of the Chickasaw nation, be rescinded; that he be granted an opportunity to introduce testimony and evidence establishing the facts herein stated; that a day be set when the Commissioner to the Five Civilized Tribes will hear the testimony of your petitioner and of Joel C. Kemp, Mrs? Joel C. Kemp and John McLaughlin in support of the facts alleged herein; and that, should said testimony establish the facts herein alleged, your petitioner, Earl R. Pitchlynn, be enrolled as a citizen by blood of the Chickasaw nation, in accordance with the provisions of the act of Congress approved June 28, 1898, (30 Stats., 495), and July 1, 1902, (32 Stat. 641).

Earl R. Pitchlynn 6
Petitioner.

Apple & Dranklin
Atty for Petitioner.

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

UNITED STATES OF AMERICA
INDIAN TERRITORY
SOUTHERN DISTRICT

I, Earl R. Pitchlynn, on oath state that I have read the above and foregoing petition and that the facts set forth therein are true and correct, to the best of my knowledge and belief.

Cel. G. R. Pitchlynn.

(SEAL)

Subscribed and sworn to before me this 22 day of June 1906.

F. L. Kelley
Notary Public.

United States of America
Indian Territory
Southern District.

I, S. A. Apple, of counsel for the applicant in the foregoing petition, state on oath that I have mailed to Mansfield McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, at South McAlester, Ind. Ter., a true and perfect copy of said petition; and I attach hereto registry receipt as proof of such mailing.

S. A. Apple

Subscribed and sworn to before me on this June 23, 1906.

F. L. Kelley
Notary Public.

(SEAL)

(Registry Receipt Attached).

Colbert, Indian Territory, June 17, 1900.

Mr. E. R. Pitchlym,

Kemp, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of June 11th, in which you inquire what has been done with your application for enrollment as a Chickasaw. In reply to your letter, you are advised that your application for enrollment has been refused for the reason that you had not removed to and in good faith settled in the Chickasaw Nation, prior to June 28th, 1896, and for the further reason that it is held that your name was placed upon the Chickasaw rolls without authority of law.

Yours truly,

Acting Chairman.

Enclosure 2-11

COPY

Muskogee, Indian Territory, April 2, 1902.

Carl R. Pitchlynn

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and your wife, Belle Pitchlynn, as citizens of the Chickasaw Nation.

The Commission, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Very truly,

W. A. Beckwith

Commissioner in Charge

C. R. Pitchlynn
Muskogee

Chickasaw R-19

COPY.

Waskogee, Indian Territory, April 2, 1902.

Mansfield, Mottarrey & Oernish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Earl R. Fitchlynn for the enrollment of himself and his wife, Nellie Fitchlynn, as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED)

C. R. Breckinridge.

Commissioner in Charge.

1 enclosure.
Registered.

COPY

Muskogee, Indian Territory, April 2, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Earl R. Pitchlynn for the enrollment of himself and his wife, Nellie Pitchlynn, as citizens of the Chickasaw Nation, including the decision of the Commission, dated April 2, 1902, refusing the application for the enrollment of Earl R. Pitchlynn and Nellie Pitchlynn as citizens of said nation.

Respectfully,

(SIGNED) *C. R. Breckinridge.*

Commissioner in Charge.

1 enclosure

Through the Commissioner
of Indian Affairs.

D.C. 7660.

Land-20614-1902.

C O P Y.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs.

Washington, April 28, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report made April 2, 1902, by C. R. Breckinridge, Esq., Commissioner in charge of the work of the Commission to the Five Civilized Tribes, forwarding the record of proceedings in the matter of the application of Earl H. Pitchlynn for enrollment as a citizen by blood in the Chickasaw Nation, and for the enrollment of his wife, Nellie Pitchlynn, as a citizen by intermarriage of the Chickasaw Nation.

The Commission in its decision states that the name of E. H. Pitchlynn, "the applicant herein, is found on page 34 of the 1896 Census Roll of the Chickasaw Nation, Tishomingo County."

The record in this case shows that the principal applicant was until March 23, 1896 a resident of the State of Indiana; that on said date he became a resident of the Indian Territory; that he has never been admitted to citizenship by the authorities of the

Chickasaw Nation, the Commission or the United States courts. The record does not show that the principal applicant and his wife, for whom application is made, were married in accordance with the tribal laws of the Chickasaw Nation.

There is among the papers a memorial adopted by the legislature of the Chickasaw Nation October 24, 1899, requesting that the name of E. R. Pitchlynn be placed on the rolls of the Chickasaw Nation.

The name of the principal applicant does not appear upon any of the rolls of the Chickasaw Nation, it seems, except that above mentioned and he did not apply for enrollment until after the time in which original applications could be made had expired.

April 2, 1902, the Commission found that the applicants in this case were not entitled to enrollment as citizens of the Chickasaw Nation.

The office agrees with the Commission and respectfully recommends that its decision refusing enrollment to the applicant be approved.

Very respectfully,
Your obedient servant,

A. G. Tenner,

Acting Commissioner.

G. A. W.
D

3 inclosures.

D.C.7660.

26412.

J. P.

I.T.D.2734-1902.

DEPARTMENT OF THE INTERIOR.

Washington:

May 2, 1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

April 28, 1902, the Acting Commissioner of Indian Affairs transmitted your letter of April 2, 1902, submitting the record in the case involving the application of Earl R. Pitchlynn for the enrollment of himself and wife as citizens of the Chickasaw Nation.

The Acting Commissioner recommends that your decision of April 2, 1902, rejecting the application, be concurred in. A copy of his letter is inclosed.

It appears that Pitchlynn's name is found on the 1896 census roll of the Chickasaw Nation; that Pitchlynn was in the Indian Territory in that year for a few weeks; that he was born in Indiana, and that he never resided in Indian Territory until the 28th day of March, 1899; that he has never been admitted to citizenship in said nation by legally constituted authority of the nation, by your Commission or by the United States court in accordance with the act of June 10, 1896 (29 Stat., 521). You held that Pitchlynn's enrollment in 1896 was without authority of law, and as the act of

June 28, 1898 (30 Stat., 495), provides that "No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship," his application was rejected, and therefore, and as he was not married in accordance with Chickasaw law, the application as to his wife was also rejected.

With the papers is a "memorial" by the Chickasaw Council dated October 24, 1899, stating that Pitchlynn is a grand-nephew of Peter P. Pitchlynn, for many years delegate of the Choctaw Nation at Washington, and his father was a Chickasaw by blood, and requesting your Commission, if within your power, to have the name of Pitchlynn placed upon the Chickasaw roll.

Under the circumstances in the case and in view of said provisions of the Act of June 28, 1898, the Department is compelled to reject the application. Your decision is accordingly affirmed.

Respectfully,

Thos Ryan,

Acting Secretary.

1 inclosure.

Chickasaw R 17

COPY.

Muskogee, Indian Territory, May 12, 1902.

Earl R. Pitchlynn,

Kemp, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of May 2, 1902, affirmed the decision of the Commission, dated April 2, 1902, denying the application made by you for the enrollment of yourself and your wife, Nellie Pitchlynn as citizens of the Chickasaw Nation.

Yours truly,

(SIGNED)

Tams Bixby.

Acting Chairman.

Chickasaw R 17

copy.

Muskogee, Indian Territory, May 12, 1902

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of May 2, 1902, affirmed the decision of the Commission, dated April 2, 1902, denying the application made by you for the enrollment of yourself and your wife, Nellie Pitchlynn as citizens of the Chickasaw Nation.

Yours truly,

~~RECEIVED.~~
~~COPY.~~

Tame Kirby.

Acting Chairman .

Muskogee, Indian Territory, May 20, 1903.

J. B. O'Bryan,

Tishomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 15, in which you ask to be advised of the status of the case of E. R. Pitchlynn.

In reply to your letter you are advised that it appears from our records that Earl E. Pitchlynn was an applicant to this Commission as a citizen by blood of the Chickasaw Nation, and his wife, Nellie Pitchlynn, was an applicant for enrollment as an intermarried citizen of said nation. But April 2nd, 1902, the Commission rendered its decision, refusing these applications, of which action the applicants were duly notified, and on May 2, 1902, the decision of the Commission was affirmed by the Secretary of the Interior.

Respectfully,

Chairman.

Chickasaw R 17
Choctaw D 722

Muskogee, Indian Territory, May 7, 1904.

Peter Maytubby,

Tishomingo, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 30, asking the status of the enrollment of Earl R. Pitchlynn and Mary A. Goforth.

In reply to your letter you are advised that on April 2, 1902, the Commission rendered its decision refusing the application of Earl R. Pitchlynn for the enrollment of himself and wife as citizens of the Chickasaw Nation and on May 2, 1902, the Secretary of the Interior approved the decision of the Commission. This case is therefore considered closed.

The Commission has not yet passed upon the application of Mary A. Goforth for enrollment as a citizen of the Choctaw Nation. As soon as a decision is reached in this case she will be notified of the action taken therein.

Respectfully,

Commissioner in Charge.

9-R-17

Muskogee, Indian Territory, August 4, 1905.

Harry L. Person,

Attorney at Law.

Tianomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 27, 1905, asking the status of the application of E. R. Pitchlyn as a citizen of the Chickasaw Nation.

In reply to your letter you are advised that on April 2, 1902, the Commission to the Five Civilized Tribes rendered its decision refusing the application of Earl R. Pitchlyn for the enrollment of himself and his wife Kellie Pitchlyn as citizens of the Chickasaw Nation and on May 12, 1902, this decision was approved by the Secretary of the Interior.

Respectfully,

Commissioner.

9-R-17

Muskogee, Indian Territory, December 16, 1905.

E. R. Pitchlynn,

Tishomingo, Indian Territory.

Dear Sir:

Your letter of December 4, 1905, addressed to the Secretary of the Interior has been by him referred to this office for consideration and appropriate action. Therein you state that your father's uncle was Peter P. Pitchlynn, who was attorney for the Choctaws at Washington for many years and that you are the only Pitchlynn who has not been enrolled; you therefore ask what steps to take to secure your enrollment.

In reply to your letter you are advised that on April 2, 1902 a decision was rendered refusing your application for enrollment as a citizen by blood of the Chickasaw Nation and on May 12, 1902, this action was approved by the Secretary of the Interior. This case is therefore considered closed.

Respectfully,

Commissioner.

Muskogee, Indian Territory, January 9, 1906.

United States Indian Inspector,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 5, 1906, inclosing copy of a Memorial of the Chickasaw legislature approved by the Governor December 16, 1905, asking that Earl R. Pitchlynn be enrolled as a citizen by blood of the Chickasaw Nation; before forwarding this resolution you desire a report and recommendation in reference thereto.

Reporting in this matter I have the honor to advise that it appears from the records of this office that Earl R. Pitchlynn was an applicant to the Commission to the Five Civilized Tribes for enrollment as a citizen by blood of the Chickasaw Nation and for the enrollment of his wife Nellie Pitchlynn as an intermarried citizen of the Chickasaw Nation.

It further appears that said Earl R. Pitchlynn has never lived in the Indian Territory; that he first came to the Territory, October 22, 1896 from Greencastle, Indiana and remained here about five weeks at which time his name was placed upon the 1896 census roll of the Chickasaw Nation and that he did not return to Indian Territory until March 28, 1899 and on April 2, 1902 the Commission to the Five Civilized Tribes rendered its decision refusing the ap-

U. S. I. I. #2

plication for the enrollment of Earl R. Pitchlynn and his wife Nellie Pitchlynn as citizens of the Chickasaw Nation which action was approved by the Secretary of the Interior on May 2, 1902.

It also appears from the records in this case that on October 24, 1899 a Memorial to the Commission to the Five Civilized Tribes passed the Chickasaw Legislature and was approved by D. H. Johnston, Governor, praying that Earl R. Pitchlynn be placed upon the Chickasaw roll but it not appearing that he had acquired residence in the Indian Territory in accordance with the provisions of the act of Congress approved June 28, 1898, the Commission to the Five Civilized Tribes deemed itself without authority to enroll Earl R. Pitchlynn as a citizen by blood and his wife Nellie Pitchlynn as a citizen by intermarriage of the Chickasaw Nation.

The copy of Memorial inclosed with your letter is herewith returned.

Respectfully,

Commissioner.

KB 3-9.



9-R-17

Muskogee, Indian Territory, August 22, 1906.

S. A. Apple,

Attorney at Law,

Admore, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of June 23, 1906, enclosing petition for the enrollment of Earl R. Pitchlynn as a citizen by blood of the Chickasaw Nation, and the same has been transmitted to the Secretary of the Interior.

Respectfully,

Commissioner.

Muskogee, Indian Territory, August 22, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

On April 2, 1902, the Commission to the Five Civilized Tribes rendered its decision refusing the application of Earl R. Pitchlynn for enrollment as a citizen by blood of the Chickasaw Nation, and for the enrollment of his wife, Nellie Pitchlynn, as a citizen by intermarriage of said nation. This action was approved by the Secretary of the Interior May 2, 1902 (I.T.O. 2734-1902).

I now have the honor to transmit herewith petition filed June 25, 1906, by S. A. Apple of Ardmore, Indian Territory, for the enrollment of Earl R. Pitchlynn as a citizen by blood of the Chickasaw Nation.

Respectfully,

Through the Commissioner
of Indian Affairs.

Commissioner.

9-R-17

(COPY)

Land
26412-1902
73822-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

October 4, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of May 2, 1902, I. T. D. 2734, there is enclosed a report from the Commissioner to the Five Civilized Tribes, dated August 22, 1906, transmitting petition for the enrollment of Earl R. Pitchlynn as a citizen by blood of the Chickasaw Nation.

The petition consists of simply the affidavit of the applicant, and it shows that he never made bona fide settlement in the Choctaw Nation until October 22, 1898.

The Office knows of no reason why the Department should not adhere to its decision of May 2, 1906, rejecting his application, and it is recommended that such action be taken.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

CAW-GH.

J.P.

DEPARTMENT OF THE INTERIOR, S.P.
WASHINGTON.

D. C. 8842-1907.
I.T.D. 19642-1906.
Lrs

February 12, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

May 2, 1906, the Department affirmed the decision of the Commission to the Five Civilized Tribes, adverse to the applicants in the matter of the Chickasaw enrolment case of Earl R. Pitchlynn, et al.

August 22, 1906, you submitted an application to reopen the case, which was received with Indian Office letter of October 4, 1906.

The Indian Office states that it knows of no reason why the decision of the Department should not be adhered to.

Even if the petition presented a prima facie case for investigation, which it does not, the Department would not be authorized, in view of section 2 of the act of April 26, 1906, in ordering a rehearing in this case.

The petition is accordingly denied.

The papers have been sent to the Indian Office with a carbon copy hereof.

-2-

A copy of Indian Office letter of October 4,
1906, is inclosed.

Respectfully,

Thos. Ryan

First Assistant Secretary.

1 inc. and
5 for Ind. Co.

AFMc
8-15-07.

9-R-17

Muskogee, Indian Territory, March 1, 1907.

Earl R. Pitchlynn,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby advised that on February 12, 1907, the Secretary of the Interior denied the motion for rehearing in the matter of the application for your enrollment as a citizen by blood of the Chickasaw Nation and for the enrollment of your wife, Nellie Pitchlynn, as a citizen by intermarriage of said nation.

Respectfully,

Commissioner.

Muskogee, Indian Territory, March 1, 1907.

S. A. Apple,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

You are hereby advised that on February 12, 1907, the Secretary of the Interior denied the motion for rehearing in the matter of the application for enrollment of Earl R. Pitchlynn as a citizen by blood of the Chickasaw Nation, and for the enrollment of his wife, Nellie Pitchlynn, as a citizen by intermarriage of the said nation.

Respectfully,

Commissioner.

Muskogee, Indian Territory, March 1, 1907.

Mansfield, McMurray & Cernish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 12, 1907, the Secretary of the Interior denied the motion for rehearing in the matter of the application for the enrollment of Earl R. Pitchlynn as a citizen by blood of the Chickasaw Nation and for the enrollment of his wife, Nellie Pitchlynn, as a citizen by intermarriage of said nation.

Respectfully,

Commissioner.

Chic. R-18

Chic. R-18

• Chickasaw R 15

Sarah Rolston

Transferred to 9-1849
March 12 1907

Chic. R-19

Chic. R-19

Commission to the Five Civilized Tribes,

South McAlester, Ind. Ter.

In the application of William G. Kimberlin for enrollment of his children; as Chickasaws; being sworn and examined by Com'r McKennon he testifies as follows:

Q What is your name? A William G. Kimberlin.

Q How old are you? A Forty-six.

Q You are a white man? A Yes sir.

Q You were married once to a Chickasaw woman? A Yes sir.

Q Did you live with her until she died? A Yes sir.

Q And after her death you married white woman? A Yes sir.

Q You have children by that white woman? A Yes sir.

Q What is her name? A Mary Jane.

Q What is her age? A Thirty-five I think.

Q What is the name of your children? A Grant C. Kimberlin, eight years old; Mary S., three years old; that's all.

Q These people are perfectly white, the wife and children, - they have no Indian blood in them? A No sir.

Com'r McKennon: Enrollment is refused.

Department of the Interior,

Commission to the Five Civilized Tribes.

I, the undersigned, being an official of the Department of the Interior, do hereby certify that this transcript is a true, full and correct translation of my stenographic notes.

M. A. Green

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory,
October 20, 1905.

9-2-19

In the matter of the application for the enrollment of
Grant C. and Mary S. Kimberlin as citizens of the Chickasaw Nation.

William G. Kimberlin, being duly sworn, testified as
follows:

Examination by the Commission.

- Q Have you got any children, Mr. Kimberlin, by your wife, Mary J. Kimberlin? A Yes, sir.
- Q What are their names? A Grant C. and Mary S.
- Q You were never admitted by act of the Chickasaw Council, were you? A No, sir.
- Q Did you appear before the Commission in 1896? A I think I did.
- Q In 1896? A I don't know, but I think I did. No, I didn't.
- Q This is the first time you applied -- at Paula Valley in 1898? A Yes, sir.
- Q These children, Grant C. and Mary S. are not on any rolls at all, are they? A No, sir, they are not.
- Q You didn't draw any money for either of these children? A No, sir, I didn't draw any.
- Q They were living at the time -- they were -- they were -- when the 1893 payment was made? A Yes, sir. They have never drawn any.
- Q Where are these children living now? A In the Chickasaw Nation.
- Q Both of them? A Yes, sir.
- Q Always made their home with you? A Never lived any where else, sir.

To Mr. Albert Rennie, attorney for the applicants:

- Q There is nothing you wish to say further in this case, and the cases of William G. Kimberlin and Mary J. Kimberlin, is there? A No, sir.

Wirt Franklin, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cases on the 20th day of October, 1905, and that the above and foregoing is a full, true and correct transcript of his stenographic notes, taken in said cases.

Subscribed and sworn to before me this 20th day of October, 1905.

Wirt Franklin
Charles H. Sawyer

9-R-19,
9-D-62,
W-155.

O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Mary L. Kimberlin, et al., as citizens of the Chickasaw Nation.

D E C I S I O N.

It appears from the census card record in this case that on September 22, 1898, application was made to the Commission to the Five Civilized Tribes for the enrollment of Mary J. Kimberlin as a citizen by intermarriage of the Chickasaw Nation, and that in September, 1899, application was made to said Commission for the enrollment of Grant C. Kimberlin and Mary S. Kimberlin as citizens of said nation.

April 2, 1902, the Commission to the Five Civilized Tribes transmitted to the Department its decision of said date, denying the application for the enrollment of Grant C. Kimberlin and Mary S. Kimberlin as citizens of the Chickasaw Nation.

The Department on December 15, 1905 (I.T.D. 13296-1905), directed that the application for the enrollment of Grant C. Kimberlin and Mary S. Kimberlin be disposed of in accordance with the opinion of the Assistant Attorney General of December 8, 1905, in the Mary Elizabeth Martin case.

The application for the enrollment of Mary J. Kimberlin as a citizen by intermarriage of the Chickasaw Nation was denied by the Commissioner to the Five Civilized Tribes on March 23, 1906, and on said date transmitted to the Department.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on March 2, 1906, by Albert J. Rennie, attorney at law, Paula Valley, Indian Territory, a petition praying for the enrollment of Mary J. Kimberlin as a citizen by intermarriage of the Chickasaw Nation, and Grant Coppage Kimberlin and Mary Susan Kimberlin as citizens of said nation.

The record in this case shows that Mary J. Kimberlin claims her right to enrollment as a citizen by intermarriage of the Chickasaw Nation by virtue of her marriage to William G. Kimberlin, a recognized and enrolled citizen by intermarriage of the Chickasaw Nation, whose name appears as number 463 upon the final roll of citizens by intermarriage of the Chickasaw Nation, approved by the Secretary of the Interior October 25, 1904; and that the minor applicants herein claim their right to enrollment as citizens of said nation by reason of being the children of the said Mary J. Kimberlin and William G. Kimberlin.

I am, therefore, of the opinion that following the ruling of the Department in the case of Emma McManis (I.T.D. 11562-1904), the petition for the enrollment of Mary J. Kimberlin as a citizen by intermarriage of the Chickasaw Nation should be denied, under the provisions of the Act of Congress approved June 25, 1896 (30 Stats., 498), and it is so ordered.

I am further of the opinion that following the ruling of the Department of April 24, 1906 (I.T.D. 4048-1906), in the case of Mary Elisabeth Martin, the decision of the Commission to the Five Civilized Tribes of April 2, 1902, denying the application for the enrollment of Grant C. Kimberlin and Mary S. Kimberlin as citizens of the Chickasaw Nation should be affirmed, and that the petition filed in their behalf should be denied, and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

OCT 3 - 1906

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Grant C. Kimberlin and Mary S. Kimberlin, as citizens of the Chickasaw Nation.

D E C I S I O N .

It appears from the record in this case that in September, 1899, William G. Kimberlin appeared before the Commission at South McAlester, Indian Territory, and made application for the enrollment of his two minor children, Grant C. Kimberlin and Mary S. Kimberlin, as citizens of the Chickasaw Nation.

It does not appear from an examination of the tribal rolls of the Chickasaw Nation in the possession of the Commission that the applicants above named have been enrolled as citizens of the Chickasaw Nation, nor do their names appear upon the tribal rolls of the Chickasaw Nation.

It appears from an examination of the records in the possession of the Commission that these applicants have never been admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes or the legally constituted authorities of the said Nation or the United States Court in Indian Territory on appeal in accordance with the act of Congress of June 10, 1896, (29 Stats., 321).

It further appears from an examination of the records in the possession of the Commission that W. G. Kimberlin, a white man,

the father of these applicants, was married in 1870 to an Indian woman whose name is not given, with whom he lived up to the time of her death. There is no evidence to show that this Indian woman was a citizen by blood of the Chickasaw Nation.

After the death of his Indian wife the said W. G. Kimberlin took out a Chickasaw license and married Mary Jane Kimberlin, a white woman, a citizen of the United States; and the said W. G. and Mary Jane Kimberlin are the parents of the above named applicants. W. G. Kimberlin is an applicant before this Commission for enrollment as an intermarried citizen of the Chickasaw Nation.

The act of Congress of June 28, 1898, (30 Stats., 495), provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

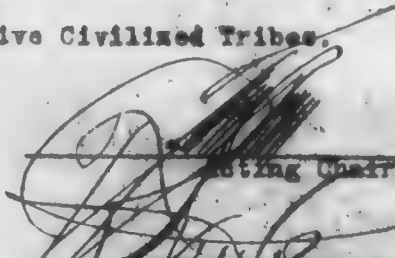
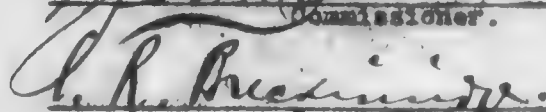
The act of Congress of May 31, 1900, (31 Stats., 281), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is therefore the opinion of this Commission that Grant C. Kimberlin and Mary S. Kimberlin are not lawfully entitled to be enrolled as members of the Chickasaw Tribe of Indians in Indian

Territory, and that their application as such should be refused
and it is so ordered.

The Commission to the Five Civilized Tribes.


Acting Chairman.

Commissioner.

Dated at Muskogee, Indian Territory,
this APR -2 1902

BEFORE THE HONORABLE SECRETARY OF THE INTERIOR.

In the matter of the application for enrollment of Grant C. Kimberlin and Mary S. Kimberlin, as citizens of the Chickasaw Nation, Chickasaw Field number R-19.

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Joanna Mickle, et al, vs. The Choctaw and Chickasaw Nations, number thirty-seven on the South McAlester Docket, in which the said court will decide the question of whether white persons, the widows or widowers of deceased Choctaw or Chickasaw spouses, can confer rights of citizenship upon white husbands or wives whom they may remarry and upon their white children by them, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations.

January 23, 1904.

Through the

Commission to the Five Civilized Tribes.

Indorsed:

Commission to Five Tribes.
Received Feb. 6, 1904.

In the matter of the application for enrollment of Grant C. Kimberlin and Mary S. Kimberlin as citizens of the Chickasaw Nation, Chickasaw Field number R-19.

BEFORE HONORABLE TAMS BIXBY,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T.

Mary Jane Kimberlin,)
Grant Coppage Kimberlin,)
and Mary Susan Kimberlin,)

vs.)

The Choctaw and Chickasaw)
Nation.)

PROOF OF SERVICE

Preslie B. Cole, over the age of twenty-one years, being first sworn deposes and says that I served a true, literal and perfect copy of the within and foregoing petition for enrollment of the above named applicants on this the 24th day of February, 1906, in the city of South McAlester, Indian Territory, by then and there causing said petition to be registered in a letter addressed to Mansfield, McMurray and Cornish, attorneys for the Choctaw and Chickasaw Nation, being unable to procure personal service upon said attorneys owing to their absence from the Indian Territory. That a receipt of said registered letter is hereto attached and made a part hereof.

(Signed) Preslie B. Cole.

Subscribed and sworn to before me this the 24th day of February, 1906.

(Signed) Chas. S. Brice,

(SEAL)

Notary Public.

(Registry Receipt Attached.)

DEPARTMENT OF THE INTERIOR

Commission to the Five Civilized Tribes.

Mary Jane Kimberlin,
Brant Coppage Kimberlin,
and Mary Susan Kimberlin,

vs

Petition for Enrollment.

Choctaw and Chickasaw Nations.

Your petitioners respectfully represent that William Grant Kimberlin, a white person, in the year 1870, was lawfully married according to the Tribal laws and regulations, to Lizzie Mitchell, a Chickasaw Indian by blood; that after the death of the said Lizzie Mitchell, and in the year 1890, on the 9th day of November, the said William Grant Kimberlin, a member of the Chickasaw Nation of Indians by intermarriage, and your petitioner, Mary Jane Kimberlin, were married according to the Tribal laws and regulations, and your petitioner, Mary Jane Kimberlin, thereby became a member of said Chickasaw Nation of Indians; that there were born as the issue of said last mentioned marriage, your petitioners, Grant Coppage Kimberlin now 14 years old, and Mary Susan Kimberlin now 9 years old; that your petitioners filed their petition for enrollment with the honorable Commission to the Five Civilized Tribes on the 28th day of August 1897, and attached thereto Marriage License, Marriage Certificate, and Certificate of Record of the last mentioned marriage, and the same are now on file with the records of said Commissioner, to which your petitioners respectfully refer.

Your petitioners further respectfully represent that on the 21st day of September, 1898, pursuant to the rules and regulations of the Honorable Commission to the Five Civilized Tribes, your petitioners renewed their application for enrollment, and again on the 18th day of October, 1903.

Your petitioners further respectfully represent that on the 8th day of September, 1904, the Honorable Commission to the Five Civilized Tribes rendered its decision granting the application for enrollment of William Grant Kimberlin as a citizen by intermarriage of the Chickasaw Nation, and that said decision was duly approved by the Honorable Secretary of the Interior, and the said William Grant Kimberlin was duly enrolled as such citizen.

Your petitioner, Mary Jane Kimberlin, further respectfully represents that for - - - years, prior to the said marriage to the said William G. Kimberlin, she was a resident of the Chickasaw Nation and has continuously resided there since said marriage.

Your petitioners, Grant Coppage Kimberlin and Mary Susan Kimberlin, respectfully represent that they were born in the Chickasaw Nation and have always resided there.

That the marriage between your petitioner, Mary Jane Kimberlin, and William Grant Kimberlin was solemnized and performed pursuant to license issued by W. H. Duncum, County and Probate Judge of Pickens County, Chickasaw Nation, on the fourth day of November, 1890, of which county the said Mary Jane Kimberlin and William Grant Kimberlin were then residents; that said marriage was duly and legally solemnized on the 9th day of November, 1890, by T. H. Day, a minister of the gospel, duly authorized to perform said marriage, and that said license and certificate of marriage was thereafter, on the 19th day of November 1890, duly filed for record and correctly recorded on page 203 of the Marriage record of said County by A. J. Lewis, then County Clerk of said County.

Your petitioner, Mary Jane Kimberlin, respectfully alleges that the issuance of said license and performance of the marriage ceremony herein, and the recording thereof by the County officials of the Chickasaw Nation, constitute a recognition by the said Nation of her

citizenship and brings her within the purview of the decision of the Department in the matter of the enrollment of Loula West, et al:

And your other petitioners, Grant Coppage Kimberlin and Mary Susan Kimberlin allege that the facts hereinbefore set forth bring them within the purview of the decision of the Department in the case of Mary Elizabeth Martin.

Wherefore, your petitioners pray that the matter of their enrollment be reopened, and that a hearing be had on their rights on the premises, and that upon final hearing that your petitioners be duly enrolled as members of the Chickasaw Nation of Indians.

(Signed) Albert Rennie,
Attorney for Petitioners.

I, Mary Jane Kimberlin, do solemnly swear that I am one of the petitioners in the foregoing petition, and that the facts set forth herein are true and correct.

(Signed) Mary Jane Kimberlin.

Subscribed and sworn to before me this 19th day of February, A.D. 1906.

(Signed) Lizzie Goodpasture,
(SEAL) Notary Public.

I, William Grant Kimberlin, do solemnly swear that I am the William Grant Kimberlin mentioned in the foregoing petition, and on behalf of said petitioners, Grant Coppage Kimberlin and Mary Susan Kimberlin, do solemnly swear that the facts set forth in said petition are true and correct.

(Signed) W. G. Kimberlin.

Subscribed and sworn to before me this 19th day of February, A.D. 1906.

(Signed) Lizzie Goodpasture,
(SEAL) Notary Public.

Indorsed:
Department of the Interior,
Commissioner to the Five
Civilized Tribes.
Filed Mar. 2, 1906.
Tams Bixby, Commissioner.

Mary Jane Kimberlin,
Grant Coppage Kimberlin, and
Mary Susan Kimberlin,
vs.
Choctaw and Chickasaw Nations.

PETITION FOR ENROLLMENT.

IN RE
Application for Enrollment of
MINOR CHILD

Act of Congress Approved
April 26, 1906.

..... Grant C. Kimberlin.....
as a citizen of

..... Chick-saw..... Nation

Approved..... 190...

.....
Commissioner.

JUL 13 1906

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 22, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Nation,
of born on the day of
[Here insert name of child]
Name of Father: a citizen of the Nation.
Name of Mother: a citizen of the Nation.
Tribal enrollment of father: Tribal enrollment of mother:
Postoffice:

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, William G. Kimberlin, on oath state that I am 63
years of age and a citizen by Intermarriage of the Chickasaw Nation;
husband
that I am the lawful wife of Mary J. Kimberlin, who is a citizen, by
by virtue of her marriage to me under Tribal license;
Intermarriage of the Chickasaw Nation; that a male child was
(Male or Female)
born to me on 14th day of September, 1891; that said child has been named
Grant C. Kimberlin, and was living March 4, 1906.
Tribal license is on file with
Commissioner in my case. William G. Kimberlin

WITNESSES TO MARK:

[Must be Two] {
Witnesses

Subscribed and sworn to before me this 11th day of July, 1906.

Lizzie Goodpasture
Notary Public.

(SEAL)

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
District. }

I,, on oath state that I
attended on wife of
On the day of that there was born to her on said date a
(Male or Female)
child; that said child was living March 4, 1906, and is said to have been named

WITNESSES TO MARK:

[Must be Two] {
Witnesses

Subscribed and sworn to before me this day of 1906.

Notary Public.

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Grant C. Kimberlin

as a citizen of

Chickasaw Nation.

Approved..... 190...

Commissioner.

Born Sept. 14, 1891.

Act of Congress approved April 26, 1906.

Department of the Interior,
Commissioner to the Five Civilized Tribes.
Filed JUL 20 1906.
Tams Bixby, Commissioner.

CHICKASAW

RECEIVED

NB 484

JUL 13 1906

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the.....Chickasaw.....Nation,
ofGrant C. Kimberlin....., born on the ..14th day of ..September.. 1891
(Here insert name of child)
Name of Father:.....William G. Kimberlin..... a citizen of the.....Chickasaw.....Nation.
Name of Mother:.....Mary J. Kimberlin..... a citizen of the.....Chickasaw.....Nation.
Tribal enrollment of father.....Chickasaw..... Application as Intermarried citizen
Tribal enrollment of mother.....of the Chickasaw.. Nation pending
Postoffice.....Pauls Valley, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
.....Southern..... District.

I,Mary J. Kimberlin..... on oath state that I am.....41.....
years of age and a citizen by Intermarriage of the.....Chickasaw..... Nation;
by virtue of my marriage to William G. Kimberlin under Tribal license;
that I am the lawful wife of.....William G. Kimberlin....., who is a citizen, by
Intermarriage of the.....Chickasaw..... Nation; that amale.....child was
(Male or Female)
born to me on ..14th..... day of ..September..... 1891.; that said child has been named
..Grant C. Kimberlin..... and was living March 4, 1906.

Mary J. Kimberlin

WITNESSES TO MARK:

[Must be Two
Witnesses]

Subscribed and sworn to before me this.....11th..... day of.....July..... 1906.

(SEAL)

Lizzie Goodpasture

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
.....Southern..... District.

I,Tecumsey C. Braum..... a physician....., on oath state that I
attended onMary J. Kimberlin..... wife of.....William G. Kimberlin.....
on the ..14th..... day of ..September..... 1891.; that there was born to her on said date amale.....
(Male or Female)
child; that said child was living March 4, 1906, and is said to have been named.....Grant C. Kimberlin.....

Tecumsey C. Braum, M. D.

WITNESSES TO MARK:

[Must be Two
Witnesses]

Subscribed and sworn to before me this.....11th..... day of.....July..... 1906.

(SEAL)

Lizzie Goodpasture

Notary Public.

Additional affidavit of father is attached hereto.

IN RE
Application for Enrollment of
MINOR CHILD

Act of Congress Approved
April 20, 1906.

..... Mary S. Kinkaid
as a citizen of
..... Chickasaw Nation.

Approved..... 190...

.....
Commissioner.

JUL 13 1906

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the..... Nation,
of born on the day of
[Here insert name of child]
Name of Father:..... a citizen of the..... Nation.
Name of Mother:..... a citizen of the..... Nation.
Tribal enrollment of father..... Tribal enrollment of mother.....
Postoffice.....

~~FATHER~~
AFFIDAVIT OF ~~FATHER~~

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, William C. Kimberlin..... on oath state that I am..... 63
years of age and a citizen by Intermarriage of the Chickasaw Nation;
that I am the lawful husband of Mary J. Kimberlin..... who is a citizen, by
Intermarriage, by virtue of her marriage to me under Tribal license;
of the Chickasaw Nation; that a female child was
born to me on 13th day of November, 1896; that said child has been named
Mary S. Kimberlin..... and was living March 4, 1906.
Tribal license is on file with
Commissioner in my case William G. Kimberlin.....

WITNESSES TO MARK:

[Must be Two Witnesses] {
.....

Subscribed and sworn to before me this 11th day of July, 1906.

Lizzie Goodpasture.....
Notary Public

(SEAL)

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
District. }

I, on oath state that I
attended on wife of
on the day of 1906; that there was born to her on said date a
[Male or Female]
child; that said child was living March 4, 1906, and is said to have been named.....

WITNESSES TO MARK:

[Must be Two Witnesses] {
.....

Subscribed and sworn to before me this day of 1906.

Notary Public.

NEW BORN 387

100

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

..... Mary S. Kimberlin.....

as a citizen of

..... Chickasaw Nation.

Approved..... 190...

.....
Commissioner.

Born Nov. 13, 1896.

Act of Congress approved April 26, 1906.

Department of the Interior,
Commissioner to the Five Civilized Tribes.

Filed JUL 20, 1906.

Tams Bixby, Commissioner.

CHICKASAW

RECEIVED

NB-484.

JUL 13 1906

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the.....Chickasaw.....Nation,
of Mary S. Kimberlin....., born on the 13th day of November, 1896.
[Here insert name of child]
Name of Father:..... William G. Kimberlin..... a citizen of the..... Chickasaw..... Nation.
Name of Mother:..... Mary J. Kimberlin..... a citizen of the..... Chickasaw..... Nation.
Tribal enrollment of father:..... Chickasaw..... Tribal enrollment of mother:..... Application as
intermarried citi-
zen of the Chickasaw
Nation pending.
Postoffice:..... Paul Valley, I.T.....

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, Mary J. Kimberlin..... on oath state that I am..... 41.....
years of age and a citizen by Intermarriage of the..... Chickasaw..... Nation;
by virtue of my marriage to William G. Kimberlin under Tribal license;
that I am the lawful wife of..... William G. Kimberlin..... who is a citizen, by
Intermarriage... of the..... Chickasaw..... Nation; that a female child was
[Male or Female]
born to me on 13th day of November, 1896; that said child has been named
Mary S. Kimberlin..... and was living March 4, 1906.

Mary J. Kimberlin

WITNESSES TO MARK:

[Must be Two Witnesses] {
..... }

Subscribed and sworn to before me this 11th day of July, 1906.

(SEAL)

Lizzie Goodpasture

Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, Tecumseh C. Braum..... a physician..... on oath state that I
attended on Mary J. Kimberlin..... wife of..... William G. Kimberlin.....
on the 13th day of November, 1896; that there was born to her on said date a female
[Male or Female]
child; that said child was living March 4, 1906, and is said to have been named..... Mary S. Kimberlin.....
Kimberlin.....

Tecumseh C. Braum, M. D.

WITNESSES TO MARK:

[Must be Two Witnesses] {
..... }

Subscribed and sworn to before me this 11th day of July, 1906.

(SEAL)

Lizzie Goodpasture

Notary Public

Additional affidavit of father is attached hereto.

To the Honorable Commission to the Five Tribes:-

Mary Jane Kimberlin, Grant :

Ceppage Kimberlin and Mary :

Susan Kimberlin :

vs

Paul's Valley

Petition for Enrolment.

The Chickasaw Nation :

Your petitioners respectfully

represent, that William Grant Kimberlin is a citizen of the Chickasaw Nation, ^{by intermarriage with Fizzie Mitchell a Chickasaw Indian by blood in 1870} was enrolled and received his pro rata share of the Leased District Moneys; a copy of the certificate of the National Secretary of that fact is hereto attached marked exhibit "A"; that your petitioner, Mary Jane Kimberlin, was on the *9th* day of *November 1890*, married to the said William Grant Kimberlin according to the Tribal Laws and regulations; a copy of the marriage license and certificate of marriage is hereto attached marked exhibit "B"; that Grant Ceppage Kimberlin, five years old, and Mary Susan Kimberlin, *9* months old, are the issue of said marriage.

Wherefore your petitioners pray that their names be entered upon the rolls of citizenship of the Chickasaw Nation.

James B. Brinkley M^o Clerk

for petitioners

Mary Jane Kimberlin, being first duly sworn, deposes and says that the children above named are her offspring from her marriage with William Grant Kimberlin, and that Mary Susan Kimberlin was born on the *13* day of *November* *1890*. *Mary Jane Kimberlin*

Subscribed and sworn to before me this *14* day of August 1897.

Selma Weaver

Notary Public.

I, William Grant Kimberlin, do solemnly swear that I ~~am~~ ^{was} ~~in 1870 married to Jiggie Mitchell a Chickasaw Indian by blood in the Chickasaw Nation; that I am the~~ identical person to whom license, in the name of G. W. Kimberlin, was issued by W. H. Duncan, County and Probate Judge of Pickens County, Chickasaw Nation, on the 4th. day of November, 1890, to marry Mrs. M. J. Hancock; that the Mary Jane Kimberlin, now applying for enrolment in the Chickasaw Nation is the identical person named in said license as Mrs. M. J. Hancock; that the said Mrs. M. J. Hancock and I were married on the 9th. day of November, 1890; that Grant Ceppage Kimberlin, now five years old, and Mary Susan Kimberlin, now ~~eight~~ ^{nine} months old, now applying for enrolment in the Chickasaw Nation, are the issue of said marriage.

W. G. Kimberlin

Subscribed and sworn to before me this 14th day of August 1897.

Claude Weaver

Notary Public.

I, C. J. Grant, do solemnly swear that I signed the application for marriage license, which was issued in the name of G. W. Kimberlin, on the 4th. day of November, 1890; that I am well acquainted with Mary Jane Kimberlin, now applying for enrolment in the Chickasaw Nation, and William Grant Kimberlin, and knew them to be the identical persons for whom said license was issued.

C. J. Grant

Subscribed and sworn to before me this 14th day of August 1897.

Claude Weaver

Notary Public.

Exhibit " A ".

Office of Natl Secy,

Chickasaw Nation
Tishomingo, I.T.

I hereby certify that the following names appear on the late annuity
Roll of the Chickasaw Nation, viz:-

W. G. Kimberlin, Zada Kimberlin, Wm Kimberlin,
Ernest Kimberlin.

Given under my hand and Official Seal this 5th. day of Oct.

A. D. 1896.

:
: seal :
:

L. C. Burris
Natl Secy C. N.

I do hereby certify that the foregoing is a true and correct
copy of a certificate under the hand and seal of the National Secre-
tary of the Chickasaw Nation now before me.

As witness my hand and seal this 15th. day of August 1897.

Claude Weaver

Notary Public in and for the Southern
Judicial District of the Ind. Territory.

Exhibit "B."

The Chickasaw Nation :
County of Pickens :

I, W. H. Duncan, County and Probate Judge of Pickens County, have this day received written testimony of A. W. Shelton, C. J. Grant, A. R. Waite, John T. Hill & J. W. Burks, & that Mrs. M. J. Hanceck is a suitable lady to engage in matrimony with G. W. Kimberlin, who is a citizen of the Chickasaw Nation to the best of my knowledge. And from the testimony of the above named citizens and the word suitable I infer that Mrs. M. J. Hanceck have resided in the Chickasaw Nation the time required and have fully complied with the Law in relation to marriage.

Therefore by virtue of authority in me vested I hereby grant unto Mr. G. W. Kimberlin, a citizen of the Chickasaw Nation and Mrs. M. J. Hanceck, a citizen of the United States, License to consummate said marriage.

Given under my hand this the 4th. day of November 1890.

W. H. Duncan
County & Probate Judge P.C.C.W.

To all whom it may concern.

This is to certify that I, T. H. Day, did on the 9th. day of Nov. 1890, solemnize the rites and published the bans of matrimony between Mr. G. W. Kimberlin of the Chickasaw Nation and Mrs. M. J. Hanceck, of the United States, according as the law directs. My credentials are recorded as follows:- Third Division, Book A, Page fifty.

This the 9th. day of Nov. 1890.

T. H. Day
M. C.

Endorsed- Marriage License, filed for record in Clerk's Office this 12th. day Nov. 1890. A. J. Lewis, Clk. of P.C.

Chickasaw Nation, Ind. Ter., :

County of Pickens :

I, A. J. Lewis Clerk of the County Court of Pickens County, Chickasaw Nation, Ind. Ter., do hereby certify that the foregoing was duly filed for record and correctly recorded on page 208 on marriage records of Pickens Co., C. N.

Witness my hand and seal of said County, at office in Pickens County this 19 day of November 1890.

A. J. Lewis

County Clerk, Pickens County, Chickasaw Nation.

:
: seal :
: xx :

I do hereby certify the foregoing to be a correct copy of the original marriage License, Certificate of Marriage and Certificate of Record.

As witness my hand and seal this 14th. day of August 1897.

Claude Weaver
Notary Public, in and for the Southern Judicial District of the Indian Territory.

I, William S. Mason, do solemnly swear that I am 50 years
of age; that my post office address is Paul's Valley, Ind. Terry.;
that on the 29th. day of August 1897, I deposited in the Post office
at Paul's Valley, I. T. under cover addressed to the Governor of the
Chickasaw Nation, Tishomingo, Ind. Terry., to be sent by registered
mail, ten (10) correct copies of the papers hereinafter
described as follows:-

Petition for Enrolment.

Affidavit of Mary Jane Timberlin.

Affidavit of William Grant Timberlin.

Affidavit of C. J. Grant.

Certificate from Leased District Roll.

Marriage License, Marriage Certificate

and Certificate of Record

the receipt obtained from the Postmaster which is attached;
that the postage on said mail was repaid; that I have no interest
whatever in the prosecution of the claim of Mary Jane
Timberlin et al for citizenship in the Chickasaw Nation.

W. S. Mason

Subscribed and sworn to before me this 29th. day of August, 1897,

C. O. Burton

Notary Public.

These papers received
and filed without
intervention of

VS

James Watson

James Watson

James Watson

James Watson

REGISTRY RECEIPT

Post Office at PAULS VALLEY, I. T.

Registered Letter { No. 91 Rec'd 8/27 1897
Parcel }

of Rennie Brant & McCune
and Letter
addressed to Gov. of Chick Mot
Tishonungo I

JAMES RENNIE.

P. M.

COPY.

Chickasaw Rls

Muskogee, Indian Territory, April 2, 1902.

William G. Kimberlin,

Pauls Valley, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of your two minor children, Grant C., and Mary S. Kimberlin, as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED)

C. R. Breckinridge

Commissioner in Charge.

1 enclosure
Register.

COPY

Chickasaw X 15

Washington, Indian Territory, April 2, 1902

Messrs Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Grant G. Kimberlin and Mary G. Kimberlin, as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

SIGNED *D. R. Breckinridge.*

Commissioner in Charge.

1 enclosure.
Register.

COPY.

Muskogee, Indian Territory, April 2, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of William G. Kimberlin for the enrollment of his two minor children, Grant C. and Mary S. Kimberlin, as citizens of the Chickasaw Nation, including the decision of the Commission, dated April 2, 1902, refusing the application for the enrollment of Grant C. and Mary S. Kimberlin as citizens of said nation.

Respectfully,

(SIGNED).

C. H. Breckinridge.

Commissioner in Charge.

1 enclosure.

Through the Commissioner
of Indian Affairs.

(COPY)

(D.C.No. 10507-1902)

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DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I.T.D. 2732-1902.

June 21, 1902.

L.R.S.

Commission to the Five Civilized Tribes,
Muskegee, I.T.

Gentlemen:

In transmitting the case involving the application of William G. Kimberlin for the enrollment of his two minor children as citizens of the Chickasaw Nation - R 19 - the Acting Commissioner of Indian Affairs April 23, 1902, while recommending that your decision be affirmed, called attention to the decision of the Circuit Court of Appeals in the case of Mary Jane Kimberlin in versus your Commission et al., and stated that while there is nothing in the record now presented to show that Mary J. Kimberlin, party to the case before the court, and William G. Kimberlin, whose name is mentioned in the court decision, are the parents of the children for whom enrollment is now sought, it is thought that they are.

It is somewhat immaterial whether the party to the case decided by the court is the mother of these children. So far as that case is concerned the rights of these children were not passed upon. Even if the father of these children is the William G. Kimberlin mentioned by the court, that

would not prevent him from seeking enrollment of his children by virtue of his alleged citizenship in the Chickasaw Nation by marriage to his former wife, a Chickasaw Indian, and to show that this wife was a citizen by blood to whom he was properly married.

You have not made it plain to the Department upon what grounds you rejected the application. The Department does not consider that there is anything in the act of May 31, 1900 (31 Stat., 221), to which you refer, justifying such action, and it is somewhat in doubt as to the interpretation you consider should be placed upon that portion of the act of June 28, 1898 (30 Stat., 495), quoted by you in connection with this case. This case is similar to that of Mincy Hiser, applicant for the enrollment of her children, the papers in which were returned to you by letter of even date, for further expression of your views.

The papers in the case now under consideration are returned herewith, and you are requested to give explicitly your reasons for concluding that there exists in the laws mentioned, or anywhere else, authority warranting the rejection of the application.

Your particular attention is called to the decision of the United States court in the case of Robinson versus the Choctaw Nation, given in your eighth annual report,

- 2 -

page 124.

You are requested, in resubmitting the case, to inform the Department what, if any, relationship exists between the parties thereto and the plaintiff in the case of Kimberlin versus your Commission et al.

A copy of the Acting Commissioners' letter is inclosed.

Respectfully,

F. L. Campbell,
Acting Secretary.

EDD

3 inclosures.

(COPY)

Land
20614-1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, April 28, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report made April 2, 1902, by C. R. Breckinridge, Esq., Commissioner in charge of the work of the Commission to the Five Civilized Tribes, forwarding the record of proceedings in the matter of the application of Wm. G. Kimberlin, for the enrollment of his two minor children, Grant C. and Mary S. Kimberlin, as citizens of the Chickasaw Nation.

The record in this case shows that in 1870 Wm. G. Kimberlin married a Chickasaw woman whose name is not given; that he lived with her until she died; that he thereafter married in accordance with the laws of the Chickasaw Nation, Mary Jane Kimberlin, a white woman, who is the mother of his said minor children. The record in this case does not show that Wm. G. Kimberlin married his first wife, who was a Chickasaw, in accordance with the laws of the Chickasaw Nation.

April 2, 1902, the Commission found that the applicants, Grant C. Kimberlin and Mary S. Kimberlin, were not

lawfully entitled to enrollment as citizens of the Chickasaw Nation.

It is respectfully recommended that the decision of the Commission in this case be affirmed.

In connection with this matter the attention of the Department is invited to the decision of the Circuit Court of Appeals, Eighth Circuit -- in the case of Kimberlin V. The Commission to the Five Civilized Tribes, et al., This decision is published in the Annual Report of the Commission for the year ending June 30, 1901, at page 198.

While there is nothing in the record to show that the Mary Jane Kimberlin, party plaintiff in said suit, and the William G. Kimberlin, whose name is mentioned in the court's decision, are the parents of these minor children, it is thought by the office that they are.

Very respectfully,

Your obedient servant,

A.C. Tenner,

Acting Commissioner.

GNV

3 inclosures.

(COPY)

(D.C.No. 10907-1902)

J.F.
T.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I.T.D. 2730-1902.

June 21, 1902.

L.R.E.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

In transmitting the case involving the application of William G. Kimberlin for the enrollment of his two minor children as citizens of the Chickasaw Nation - R 19 - the Acting Commissioner of Indian Affairs April 28, 1902, while recommending that your decision be affirmed, called attention to the decision of the Circuit Court of Appeals in the case of Mary Jane Kimberlin in versus your Commission et al., and stated that while there is nothing in the record now presented to show that Mary J. Kimberlin, party to the case before the court, and William G. Kimberlin, whose name is mentioned in the court decision, are the parents of the children for whom enrollment is now sought, it is thought that they are.

It is somewhat immaterial whether the party to the case decided by the court is the mother of these children. As far as that case is concerned the rights of these children were not passed upon. Even if the father of these children is the William G. Kimberlin mentioned by the court, that

would not prevent him from seeking enrollment of his children by virtue of his alleged citizenship in the Chickasaw Nation by marriage to his former wife, a Chickasaw Indian, and to show that this wife was a citizen by blood to whom he was properly married.

You have not made it plain to the Department upon what grounds you rejected the application. The Department does not consider that there is anything in the act of May 31, 1900 (31 Stat., 221), to which you refer, justifying such action, and it is somewhat in doubt as to the interpretation you consider should be placed upon that portion of the act of June 28, 1898 (30 Stat., 495), quoted by you in connection with this case. This case is similar to that of Mincy Hiser, applicant for the enrollment of her children, the papers in which are returned to you by letter of even date, for further expression of your views.

The papers in the case now under consideration are returned herewith, and you are requested to give explicitly your reasons for concluding that there exists in the laws mentioned, or anywhere else, authority warranting the rejection of the application.

Your particular attention is called to the decision of the United States court in the case of Robinson versus the Cheetaw Nation, given in your eighth annual report,

page 124.

You are requested, in resubmitting the case, to inform the Department what, if any, relationship exists between the parties thereto and the plaintiff in the case of Kimberlin versus your Commission et al.

A copy of the Acting Commissioners' letter is inclosed.

Respectfully,

F. L. Campbell,
Acting Secretary. RM

3 inclosures.

D.C.13261-1902.

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T. P.
BAF.

ITD. 2738-1902.
L.R.S.

DEPARTMENT OF THE INTERIOR.

Washington..

August 15, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Referring to departmental letter of June 21, 1902,
relative to application for enrollment of Grant C. Kimberlin
et al ., as chickasaw citizens, an early report in the matter is
requested.

Respectfully,

Thos. Ryan.

Acting Secretary.
DeL.

Muskogee, Indian Territory, January 6, 1903.

The Honorable,

The Secretary of the Interior,

Sir:

Receipt is hereby acknowledged of Departmental communication of December 6, 1902, referring to Departmental letters of June 21, 1902, and August 13, 1902, (I.T.D. 2738-1902), and requesting a report in the matter of the application of William G. Kimberlin for the enrollment of his two children as citizens of the Chickasaw Nation.

Reporting in this matter the Commission has to advise that in accordance with Departmental instructions of October 23, 1902, (I.T.D. 3132, 5308, 5493-1902), in the analogous case of Matt Davis, et al., applicants for enrollment as citizens of the Choctaw Nation, the record in this case is being held pending the action of the Citizenship Court created under the act of Congress approved July 1, 1902.

Respectfully,

Tams Bixby.

Acting Chairman.

T. B. Needles

Commissioner.

J. B. Doolittle

Commissioner.

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Land.
1985-1903.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, Jan. 20, 1903.

The Honorable,

The Secretary of the Interior,

Sir:

Referring to Departmental letter of December 6, 1902, I.T.D. (2738) 2736-1902, requesting the Commission to report relative to the application of William G. Kimberlin for the enrollment of his two minor children as Chickasaw citizens, there is enclosed, herewith, a report dated January 6, 1903, from the Commission, in which it is stated that the application of William G. Kimberlin for the enrollment of his children is being held pending the action of the citizenship court created by the Act of Congress approved July 1, 1902.

The Commission invites attention to Departmental instructions of October 23, last -- I.T.D. 3132, 5308 and 5493 -- in the Matt Davis case.

The approval of the Commission's action is recommended.

Very respectfully,

W. A. Jones,

Commissioner.

(G.A.W.) P.

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D.C. 2647-1903.

(COPY)

RAF.

DEPARTMENT OF THE INTERIOR,

ITD. 548-1903.
L.R.S.

Washington, January 24, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

January 20, 1903, the Commissioner of Indian Affairs forwarded your letter of January 6, 1903, referring to departmental communication of December 6, 1902, requesting a report on the matter of the application of William G. Kimberlin for enrollment of his two children as citizens of the Chickasaw Nation. You report that in accordance with departmental instructions of October 23, 1902, in the analogous case of Matt Davis, et al., the record in the Kimberlin case is being held pending the action of the citizenship court created by the act of Congress approved July 1, 1902.

The Department approves your action, as recommended by the Commissioner. A copy of his letter is inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

COPY.

Muskogee, Indian Territory, February 12, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

On April 2, 1902, the Commission to the Five Civilized Tribes Forwarded the record in the matter of the application of Grant C. Kimberlin, et al. for enrollment as citizens of the Chickasaw Nation, together with its decision refusing said application.

On June 21, 1902, the Department remanded the record in this case for further investigation, and on January 6, 1903, in response to communications of August 13 and December 2, 1902, the Commission reported that in accordance with Departmental instructions of October 23, 1902 (I.T.D. 3132, 5308, 5493-1902) in the analogous case of Matt Davis, et al., the record in the case of Grant Kimberlin et al. was being held pending the action of the Choctaw-Chickasaw Citizenship Court.

I now have the honor to report that on February 6, 1904, there was filed with the Commission the protest of the attorneys for the Choctaw and Chickasaw Nations, dated January 23, 1904, in which they request, under authority granted by the Department in its letter to the Commission of November 18, 1903, (I.T.D. 7123-1903) that no

5

further action be taken in this case until the action of the Choctaw and Chickasaw Citizenship in the case of Joanna Middle, et al. versus the Choctaw and Chickasaw Nations, in which the said court will decide the question of whether white persons, the widows or widowers of deceased Choctaw or Chickasaw spouses, can confer rights of citizenship on white husbands or wives whom they may marry, and upon their white children by them, which question is involved in the case to which their protest refers.

The record in the matter of the application of William C. Kimberlin for the enrollment of his children, Grant Kimberlin, et al. is being held, under the instructions of the Department of January 23, 1903, approving the report of the Commission of January 6, 1903, and under the protest of the attorneys for the Choctaw and Chickasaw Nations above referred to, pending further Departmental instructions.

Respectfully,

SIGNED *E. B. Needles*

Commissioner in charge.

Through the Commissioner
of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

RJH
August 31, 1905.

D.C. 41600-1905.
I.T.D. 2738-1902.
2318-1904.

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory,

Sir:

By letter of February 12, 1904, the Commission to the Five Civilized Tribes advised the Department that the record in the matter of the application of Grant C. Kimberlin et al., for enrollment as citizens of the Chickasaw Nation, was being held in the office of the Commission pending the decision of the Choctaw and Chickasaw Citizenship Court in the case of Joanna Nickle et al., versus the Choctaw and Chickasaw Nations, since which date the Department is without further advice.

You are again requested to transmit a report in the matter.

Respectfully,

Through the
Commissioner of Indian Affairs.

THOS. RYAN,
Acting Secretary.

COPY.

Muskogee, Indian Territory, September 6, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of departmental letter of August 31, 1906 (I T D 2738-1902, 2316-1904), referring to the report of the Commission to the Five Civilized Tribes of February 12, 1904, in which the Department was advised that the record in the matter of the application of Grant C. Kimberlin, et al., for enrollment as citizens of the Chickasaw Nation was being held pending the decision of the Choctaw and Chickasaw citizenship court in the case of Joanna Nickle, et al. vs the Choctaw and Chickasaw Nations. The Department states that since the report above referred to no further advice has been received, and this office is requested to transmit a further report in the matter.

I have the honor to report that the decision of the Commission to the Five Civilized Tribes of April 2, 1902, refused the application for the enrollment of Grant C. Kimberlin and Mary S. Kimberlin as citizens of the Chickasaw Nation for the reason that the applicants were white persons, the children of W. S. Kimberlin, an applicant for enrollment as an intermarried citizen of the

(2)

Chickasaw Nation, and Mary Jane Kimberlin, a white woman who was married to W. G. Kimberlin subsequent to the death of his alleged Chickasaw wife.

The record in this case was transmitted to the Department on April 2, 1902, and on June 21, 1902 (I T D 2738-1902), the Department remanded the case with the request that the Commission to the Five Civilized Tribes give an explicit reason for concluding that there exists in the Acts of Congress approved June 28, 1898 (30 Stats., 498) and of May 31, 1900 (31 Stats., 221), any authority warranting the rejection of the applicants.

The Department also requested that in resubmitting the case a report be made as to what relationship if any exists between the parties applicant and the plaintiff in the case of Mary Jane Kimberlin vs the Commission to the Five Civilized Tribes, the decision in which case was published in the Annual Report of the Commission to the Five Civilized Tribes for the year ended June 30, 1901, on page 198.

On August 13, 1902, the Department, referring to its letter of June 21, 1902, requested an early report upon the matters referred to in said letter.

On December 6, 1902, no report having been submitted by the Commission to the Five Civilized Tribes, the Department again requested a report in this case, and on January 6, 1903, the Com-

(3)

mission stated that in accordance with departmental instructions of October 23, 1902, in the analogous case of Matt Davis, et al., applicants for enrollment as citizens of the Choctaw Nation, no further proceedings had been taken in the Kimberlin case.

On January 24, 1903 (I T D 548-1903), the Department approved the action taken by the Commission to the Five Civilized Tribes as set forth in its report of January 6, 1903.

Further reporting in this matter the Commission to the Five Civilized Tribes on February 12, 1904, advised the Department that on February 6, 1904, the attorneys for the Choctaw and Chickasaw Nations had filed a request under the authority granted by the Department in its letter of November 18, 1903 (I T D 7122-1903) that no further action be taken in the Kimberlin case until the action of the Choctaw and Chickasaw citizenship court in the case of Joanna Mickle, et al. vs the Choctaw and Chickasaw Nations, in which request it was alleged by the attorneys for the nations that the said court would decide the question whether white persons the widows or widowers of deceased Choctaw or Chickasaw spouses could confer rights of citizenship on white husbands or wives whom they might marry, and upon their white children by such marriage.

The decree of the Choctaw and Chickasaw citizenship court in the case of Joanna Mickle, et al. vs the Choctaw and Chickasaw Nations, No. 37 on the South McAlester docket of said court, was rendered November 28, 1904. A copy of the decree and opinion of

(4)

the citizenship court in this case has heretofore been furnished the Department.

On March 30, 1905 (I T D 11856-1904, 3130-1905), in the analogous case of Mary Elizabeth Martin, applicant for enrollment as a citizen of the Chickasaw Nation, the Department transmitted an opinion of the Assistant Attorney General for the Department of the Interior, of March 24, 1905, in which it was held that the applicant Mary Elizabeth Martin upon the facts stated was born to allegiance of either the Choctaw or Chickasaw Nation, as might be determined under the Act of June 28, 1896 (30 Stat., 495), and that as she was the descendant of a person whose name appeared upon the rolls of either the Choctaw or Chickasaw Nations "born since such rolls were made," her application should be considered and adjudicated upon the merits.

On April 21, 1905, the Department directed the Commission to the Five Civilized Tribes by wire to suspend all enrollment and allotment proceedings concerning the applicant Mary Elizabeth Martin, pending consideration of a motion for review of departmental action in said case.

On April 1, 1905 (I T D 11846-1904, 3132-1905), in the matter of the application for the enrollment of Martha A. Archard and her daughter Sarah Archard as citizens of the Chickasaw Nation, the Department, in accordance with the opinion of the Assistant

Attorney general of March 24, 1905, affirmed the decision of the Commission to the Five Civilized Tribes of October 15, 1904, refusing the application of Martha A. Archerd and reversed the same as to her child Sarah Archerd and directed that the latter be enrolled as a citizen of the Chickasaw Nation.

On August 23, 1905, the Department advised the Commissioner that on August 14, 1905, the attorneys for the Choctaw and Chickasaw Nations had requested that this office be directed to suspend any action upon the Chickasaw enrollment case of Sarah Archerd until the Department passed upon a motion by said attorneys in the analogous case of Mary Elizabeth Martin. This office was directed in departmental communication of August 23, 1905, to suspend action in the Archerd case in accordance with such request.

Since the original decision of the Commission to the Five Civilized Tribes of April 2, 1902, refusing the applications for the enrollment of Grant C. Kimberlin and Mary S. Kimberlin as citizens of the Chickasaw Nation, the rights of William G. Kimberlin, the father of the applicants, to enrollment as a citizen by intermarriage of the Chickasaw Nation have been finally determined, his name appearing opposite No. 463 upon a schedule constituting a part of the final roll of the citizens by intermarriage of the Chickasaw Nation which was transmitted to the Department September 28, 1904, and approved by the Secretary of the Interior October 28,

(6)

Under the instructions of the Department in the cases of Mary Elizabeth Martin and Sarah Archard no further proceedings have been had in the matter of the enrollment of Grant C. and Mary S. Kimberlin as citizens of the Chickasaw Nation, as the question presented in the Kimberlin case is analagous to the question in the cases of Mary Elizabeth Martin and Sarah Archard.

It is therefore respectfully recommended that no further action be taken in reference to the right to enrollment of Grant C. Kimberlin and Mary S. Kimberlin as citizens of the Chickasaw Nation until disposition by the Department of the Mary Elizabeth Martin and Sarah Archard cases.

Respectfully,

SIGNED *Tama Bixby.*

Commissioner.

Through the Commissioner
of Indian Affairs.

Refer in reply
to the
following:

Land
78283-1905.

COPY.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

October 7, 1905.

The Honorable,

The Secretary of the Interior:

Sir:

Permit me to invite your attention to letter of the Commissioner to the Five Civilized Tribes of September 25, acknowledging receipt of Departmental letter of August 31, 1905 (I. T. D., 2738-1902, 2318-1904), referring to the report of the Commission to the Five Civilized Tribes of February 12, 1904, in which the Department was advised that the record in the matter of the application of Grant C. Kimberlin, et al., for enrollment as citizens of the Chickasaw Nation, was being held pending the decision of the Choctaw-Chickasaw Citizenship Court in the case of Joanna Mickle, et al., vs. the Choctaw and Chickasaw Nations. The Department states that since the report above referred to no further advice has been received, and the Commissioner is requested to transmit a further report in the matter.

Reporting, Mr. Bixby says the decision of the Commission to the Five Civilized Tribes of April 2, 1902, refused the application for the enrollment of Grant C. Kimberlin and Mary S. Kimberlin as citizens of the Chickasaw Nation, for the reason that the applicants were white persons, the children of W. C. Kimberlin, who was then an applicant for enrollment as an inter-

married citizen of the Chickasaw Nation, and Mary Jane Kimberlin, a white woman, who was married to W. G. Kimberlin subsequent to the death of his alleged Chickasaw wife.

The record in the case was transmitted to the Department on April 2, 1902, and on June 21, 1902 (I. T. D., 2738-1902), the Department remanded the case, with the request that the Commission give an explicit reason for concluding that there exists in the Acts of Congress approved June 28, 1898 (30 Stats., 495), and May 31, 1900 (31 Stats., 221) any authority warranting the rejection of the applicants.

On August 13, 1902, the Department, referring to its letter of June 21, 1902, requested an early report upon the matters referred to.

On December 6, 1902, no report having been submitted, the Department again requested a report in this case, and on January 6, 1903, the Commission to the Five Civilized Tribes stated that in accordance with Departmental instructions of October 23, 1902, in the analogous case of Matt Davis, et al., applicants for enrollment as citizens of the Choctaw Nation, no further proceedings had been taken in the Kimberlin case.

On January 24, 1903 (I. T. D., 548-1903), the Department approved the action taken by the Commission as set forth in its report of January 6, 1903.

Further reporting in this matter, the Commission, on February 12, 1904, advised the Department that on February 6, 1904, the attorneys for the Choctaw and Chickasaw Nations had filed a request, under authority granted by the Department in

its letter of November 18, 1903 (I. T. D., 7122-1903), that no further action be taken in the Kimberlin case until the rendition of the decree of the Choctaw and Chickasaw Citizenship Court in the case of Joanna Mickle, et al., vs. the Choctaw and Chickasaw Nations, in which request it was alleged that the court would decide the question whether white persons, the widows and widowers of deceased Choctaw or Chickasaw spouses, could confer citizenship on white husbands or wives whom they might marry, and upon their white children by such marriage.

The opinion of the Choctaw and Chickasaw Citizenship Court in the case of Joanna Mickle, et al., was rendered November 28, 1904. A copy of the decree and opinion of the citizenship court in this case has heretofore been furnished the Department.

On March 30, 1905 (I. T. D., 11856-1904, 3130-1905), in the case of Mary Elizabeth Martin, applicant for enrollment as a citizen of the Choctaw or Chickasaw Nations, the Department transmitted an opinion of the Assistant Attorney General for the Department of the Interior, of March 24, 1905, in which it was held that the applicant, Mary Elizabeth Martin, upon the facts stated, was born to the allegiance of either the Choctaw or Chickasaw Nations, as might be determined under the Act of June 28, 1898 (30 Stats., 495), and that as she was the descendant of a person whose name appeared upon the rolls of either the Choctaw or Chickasaw Nations, "born since such rolls were made," her application should be considered and adjudicated upon its merits.

On April 21, 1905, the Department directed the Commission to the Five Civilized Tribes to suspend all enrollment and

allotment proceedings concerning the applicant, Mary Elizabeth Martin, pending the consideration of a motion for review of Departmental action in the case.

On April 1, 1905 (I. T. D., 11846-1904, 3132-1905), in the matter of the application for the enrollment of Martha A. Archerd and her daughter, Sarah Archerd, as citizens of the Chickasaw Nation, the Department, in accordance with the opinion of the Assistant Attorney General of March 24, 1905, affirmed the decision of the Commission to the Five Civilized Tribes of October 15, 1904, refusing the application of Martha A. Archerd, and reversed it as to her child, Sarah Archerd, and directed that the latter be enrolled as a citizen of the Chickasaw Nation.

On August 23, 1905, the Department advised the Commissioner that on August 14, 1905, the attorneys for the Choctaw and Chickasaw Nations had requested that the Commissioner be directed to suspend any action upon the Chickasaw enrollment case of Sarah Archerd until the Department passed upon a motion by the attorneys in the analogous case of Mary Elizabeth Martin. The Commissioner was directed in Departmental communication of August 23, 1905, to suspend action in the Archerd case in accordance with the request.

Since the original decision of the Commission to the Five Civilized Tribes of April 2, 1902, refusing the applications for the enrollment of Grant C. Kimberlin and Mary S. Kimberlin as citizens of the Chickasaw Nation, the right of William G. Kimberlin, the father of the applicants, to enrollment as a citi-

zen by intermarriage of the Chickasaw Nation had been finally determined, his name appearing opposite No. 463 upon a schedule constituting a part of the final roll of the citizens by intermarriage of the Chickasaw Nation, which was transmitted to the Department September 28, 1904, and approved October 25, 1904.

Under the instructions of the Department in the cases of Mary Elizabeth Martin and Sarah Archerd, no further proceedings have been had by the Commission in the matter of the application for the enrollment of Grant Kimberlin and Mary S. Kimberlin as citizens of the Chickasaw Nation, as the question presented in the Kimberlin case is analogous to that involved in the cases of Mary Elizabeth Martin and Sarah Archerd.

Mr. Bixby therefore recommends that no further action be taken in reference to the right to enrollment of Grant C. Kimberlin and Mary S. Kimberlin as citizens of the Chickasaw Nation until final disposition by the Department of the Mary Elizabeth Martin and Sarah Archerd cases.

I concur in this recommendation.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

KBH-Ma

J.P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

FHE.

D.C. 56577-1905.

I.T.D. 13296-1905.

December 15, 1905.

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In your letter of September 28, 1905, you recommended that no further action be taken relative to the application of Grant C. Kimberlin, et al., for enrollment as citizens of the Chickasaw Nation, until the Department had finally disposed of the case of Mary Elizabeth Martin.

With letter of December 13, 1905, you were furnished a copy of the opinion of the Assistant Attorney General of December 8, 1905, approved, in the Martin case. You will dispose of the application of Grant C. Kimberlin, et al., in accordance therewith.

A copy of Indian Office letter of October 7, 1905 (Land 78283), is inclosed.

Respectfully,

(Signed) ~~Thos.~~ Ryan

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inclosure.

9-R-19

Muskogee, Indian Territory, February 5, 1906.

William G. Kimberlin,

Pauls Valley, Indian Territory.

Dear Sir:

On December 16, 1905, the Secretary of the Interior directed that the application for the enrollment of your children Grant G. Kimberlin and Mary S. Kimberlin be disposed of in accordance with the opinion of the Assistant Attorney General of December 8, 1905 in the Choctaw enrollment case of Mary Elizabeth Martin.

For your information there is inclosed herewith circular giving full procedure to be followed in the presentation of cases of this character.

You are advised that a petition should be filed in this case in accordance with the rules of procedure here inclosed as early as practicable.

Respectfully,

Acting Commissioner.

Circular.
W. E. M.

9-A-19

Muskogee, Indian Territory, February 5, 1906.

William G. Kimberlin,
Pauls Valley, Indian Territory.

Dear Sir:

On December 15, 1905, the Secretary of the Interior directed that the application for the enrollment of your children Grant G. Kimberlin and Mary S. Kimberlin be disposed of in accordance with the opinion of the Assistant Attorney General of December 8, 1905 in the Choctaw enrollment case of Mary Elizabeth Martin.

For your information there is inclosed herewith circular giving full procedure to be followed in the presentation of cases of this character.

You are advised that a petition should be filed in this case in accordance with the rules of procedure here inclosed as early as practicable.

Respectfully,

Acting Commissioner.

Circular.
W. E. H.

9-R-10
9-D-62

Nuskogee, Indian Territory, February 10, 1906.

Albert Rennie,
Attorney at Law,
Pauls Valley, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 7, 1906, stating that your client William G. Kimberlin desires to inquire whether under a new ruling a new application should be made for the enrollment of his wife Mary Jane Kimberlin and her children.

In reply to your letter you are advised that on February 5, 1906, a letter was addressed to William G. Kimberlin advising him that on December 15, 1905, the Secretary of the Interior directed that the application for the enrollment of his children Grant C. and Mary S. Kimberlin be disposed of in accordance with the opinion of the Assistant Attorney General of December 9, 1905, in the Choctaw enrollment case of Mary Elizabeth Martin.

There was also inclosed circular giving proceedings to be followed in the presentation of cases of this character and he was advised that petition should be filed in this case as early as practicable in accordance with the rules of procedure inclosed

A. R. #2

You are advised that if it is desired to present an application for the enrollment of Mary J. Kimberlin she may be included in the formal petition filed in this case. You are advised, however, that it appears from the records of this office that Mary J. Kimberlin claims a right to enrollment as an intermarried citizen of the Chickasaw Nation through her marriage to William G. Kimberlin and under the ruling of the Assistant Attorney General in the Choctaw enrollment case of Emma McMenamin, no person is entitled to enrollment as an intermarried citizen of the Choctaw or Chickasaw Nation through marriage with an intermarried citizen of said nations.

Respectfully,

Acting Commissioner.

Muskogee, Indian Territory, July 19, 1906.

Albert Rennie,

Pauls Valley, Indian Territory.

Dear sir:

Receipt is hereby acknowledged of your letters of July 12, 1906, transmitting the affidavits of William G. Kimberlin, Mary J. Kimberlin and Tecumsey C. Branum, M. D., to the birth of Grant C. Kimberlin, child of William G. Kimberlin and Mary J. Kimberlin on September 14, 1891; and also the affidavits of William G. Kimberlin, Mary J. Kimberlin and Tecumsey C. Branum, M. D., to the birth of Mary S. Kimberlin, child of William G. Kimberlin and Mary J. Kimberlin on November 13, 1896.

Respectfully,

Commissioner.

9-R-19,
9-D-82,
W-185.

Muskogee, Indian Territory, October 3, 1906.

Mary J. Kimberlin,

Pauls Valley, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the commissioner to the five civilized Tribes, rendered October 3, 1906, denying the petition for the enrollment of Mary J. Kimberlin as a citizen by intermarriage of the Chickasaw Nation and the application and petition for the enrollment of Grant C. Kimberlin and Mary S. Kimberlin as citizens of the Chickasaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED: *Tamm Dickey*
Commissioner.

Registered.
9-R-19
9-D-82
W-185.

9-R-19
9-D-62
W-155.

COPY

Muskogee, Indian Territory, October 3, 1906.

Grant C. Kimberlin,

Pauls Valley, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 3, 1906, denying the petition for the enrollment of Mary J. Kimberlin as a citizen by intermarriage of the Chickasaw Nation and the application and petition for the enrollment of Grant C. Kimberlin and Mary G. Kimberlin as citizens of the Chickasaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the secretary of the Interior for review. The final decision of the secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *E. J. [illegible]*

Commissioner.

Registered.
9-R-19
9-D-62
W-155.

9-R-19
9-n-62
W-155.

Muskogee, Indian Territory, October 3, 1906.

Albert Rennie,
Attorney at Law,
Pauls Valley, Indian Territory.

Dear sir:

Inclosed herewith you will find a copy of the decision of the commissioner to the five civilized Tribes, rendered October 3, 1906, denying the petition for the enrollment of Mary J. Kimberlin as a citizen by intermarriage of the Chickasaw Nation and the application and petition for the enrollment of Grant C. Kimberlin and Mary S. Kimberlin as citizens of the Chickasaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the secretary of the Interior for review. The final decision of the secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

[Handwritten signature]

Registered.
9-R-19
J-D-62
W-155.

Commissioner.

9-R-19
9-D-62
W-155.

10
COPY

Muskogee, Indian Territory, October 3, 1906.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 3, 1906, denying the petition for the enrollment of Mary J. Kimberlin as a citizen by intermarriage of the Chickasaw Nation and the application and petition for the enrollment of Grant C. Kimberlin and Mary G. Kimberlin as citizens of the Chickasaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the secretary of the Interior for review. The final decision of the secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Samuel D. May

Commissioner.

9-R-19.
9-D-62
W-155.

11
COPY
Muskogee, Indian Territory, October 3, 1906.

The Honorable,

The Secretary of the Interior:

Sir:

There is transmitted herewith record of proceedings in the matter of the petition for the enrollment of Mary J. Kimberlin as a citizen by intermarriage of the Chickasaw Nation and the application and petition for the enrollment of Grant C. Kimberlin and Mary S. Kimberlin as citizens of the Chickasaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated October 3, 1906, denying said application, and Petition.

Respectfully,

SIGNED

Commissioner.

2 Incl.

Through the

Commissioner of Indian Affairs.

(COPY)

Land
87158-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, October 26, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated October 2, 1906, enclosing record of proceedings in the matter of the petition for the enrollment of Mary J. Kimberlin as a citizen by intermarriage of the Chickasaw Nation, and an application and petition for enrollment of Grant C. Kimberlin and Mary S. Kimberlin as citizens of the Chickasaw Nation.

On October 17, 1906 (Land 26496-1906) the Office transmitted its recommendation that the decision of the Commissioner rejecting the application of Mary J. Kimberlin for enrollment as a citizen by intermarriage of the Chickasaw Nation be denied, and the present record is transmitted herewith for consideration in connection with the recommendation of October 17, with the further recommendation that since Grant C. Kimberlin and Mary S. Kimberlin are children of white parents, without Indian blood, that the decision of the Commissioner denying their application for enrollment as citizens of the Chickasaw Nation be affirmed, following the Departmental decision in the case of Mary Elizabeth Martin and the Act of Congress approved June 21, 1906, (Public No. 258) limiting the enrollment of minors to "the children of Indians by blood".

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

EVE-SD

(C O P Y)

G.R.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

S.P.

I.T.D. 21508-1906.

February 26, 1907.

L.R.S.
DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In conformity with the opinion of the Attorney General of the United States of February 19, 1907 (I.T.D. 4564-07), and in accordance with the recommendation of the Indian Office of October 26, 1906 (Land 87158), your decision of October 3, 1906, denying the application for the enrollment of Grant Coppage Kimberlin and Mary Susan Kimberlin, minor children of William G. Kimberlin and Mary J. Kimberlin, as citizens of the Chickasaw Nation, is hereby affirmed.

The Department on October 24, 1906 (I.T.D. 21028) denied the application of Mary J. Kimberlin for her enrolment as an intermarried citizen of the Chickasaw Nation.

You will advise applicants and their attorney of this action.

A copy of Indian Office letter of October 26, 1906, is inclosed.

The record has been sent to the Indian Office for its files, together with a carbon copy thereof.

Respectfully,

(Signed) Jesse E. Wilson,
Assistant Secretary.

A.F.Mc
2-27-07
1 Inc. and
2 to Ind Of.

Muskogee, Indian Territory, March 2, 1907.

Mary J. Kimberlin,

Pauls Valley, Indian Territory.

Dear Madam:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered October 3, 1906, denying the petition for your enrollment as a citizen by intermarriage of the Chickasaw Nation and the petition for the enrollment of Grant C. Kimberlin and Mary S. Kimberlin as citizens of the Chickasaw Nation.

Respectfully,

Commissioner.

Muskogee, Indian Territory, March 2, 1907.

Grant C. Kimberlin,

Pauls Valley, Indian Territory.

Dear Sir:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered October 3, 1906, denying the petition for the enrollment of Mary J. Kimberlin as a citizen by intermarriage of the Chickasaw Nation and the petition for the enrollment of Grant C. Kimberlin and Mary S. Kimberlin as citizens of the Chickasaw Nation.

Respectfully,

Commissioner

V-156

Muskogee, Indian Territory, March 2, 1907.

Albert Rennie,

Attorney at Law,

Pauls Valley, Indian Territory.

Dear Sir:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered October 3, 1906, denying the petition for the enrollment of Mary J. Kimberlin as a citizen by intermarriage of the Chickasaw Nation and the petition for the enrollment of Grant C. Kimberlin, and Mary S. Kimberlin as citizens of the Chickasaw Nation.

Respectfully,

Commissioner.

Muskogee, Indian Territory, March 2, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered October 3, 1906, denying the petition for the enrollment of Mary J. Kimberlin as a citizen by intermarriage of the Chickasaw Nation and the petition for the enrollment of Grant C. Kimberlin and Mary S. Kimberlin as citizens of the Chickasaw Nation.

Respectfully,

Commissioner.

Chic. R-20

Chic. R-20

CHICKASAW R. 20

James W. Ryland.

and
Chapman
1835

Chic.R-21

Chic.R-21

Commission to the Five Civilized Tribes,

Atoka, I. T., Dec. 6th, 1899.

In the application of Jim Johnson, (or Jim Cole,) for enrollment as a Chickasaw; being sworn and examined by Gen'r McKennon he testifies as follows:

Q What is your name? A Jim Johnson.

Q How old are you? A Twenty-one.

Q What was your father's name? A Thompson Cole.

Q He was, you say, a full-blood Chickasaw Indian? A Yes sir.

Q Was he recognized as a citizen of the Chickasaw Nation?

A Yes sir.

Q Your mother was a full-blood Cherokee woman was she? A Yes sir.

Q You say she came from the Cherokee Nation to the Chickasaw Nation during the War when she was about thirteen years of age?

A Yes sir.

Q And never returned to the Cherokee Nation but lived among the Chickasaws here up to the time of her death, ~~which~~ which occurred in about 1893? A Yes sir.

Q When did your father die? A I don't know.

Q You remember him? A I remember him well.

Q About how old were you when he died? A I was about nine years old I suppose.

Q Do you know that your father and mother lived together as husband and wife, do you remember them living together, and being in the home there together? A Yes sir.

Q You say you went to school in the Chickasaw Nation to the Chickasaw schools? A Yes sir.

Q And yourself and your mother once drew three dollars apiece of Chickasaw annuities? A Yes sir.

Q Do you know how long ago that was, how old were you when that occurred? A I don't remember, only I think it was somewhere

Jim Johnson #2)

either in 1882 or 1883 when I got our money.

Q You are a full-blood Indian, half Chickasaw and half Cherokee, according to your statement? A Yes sir.

Q And you speak the Chickasaw language? A I speak most of the Chickasaw language.

Q But speak English very well? A I speak English better than I do the Chickasaw language.

Q You lived in the Chickasaw Nation, you say, until about 1893?

A Yes sir.

Q Never lived anywhere else up to that time, you were born in the Chickasaw Nation? A Yes sir.

Q Then you went to the Cherokee Nation? A Yes sir.

Q You have been living there how long? A I lived there about two years, and then I went down in Arkansas.

Q How long did you stay down there? A About fourteen months.

Q Then you came back, where to? A To Muskogee.

Q That is in the Creek Nation? A Yes sir.

Q How long have you been there? A I came there just recently.

Q And then back to the Chickasaw Nation? A No sir, I went from there in the Cherokee Nation.

Q And have just come down from there now to see about registering yourself? A Yes sir.

Q Were you ever on the Cherokee rolls? A No sir.

Q Did you ever draw any moneys there of any kind? A No sir.

Q Never have been recognized as a Cherokee? A No sir.

Examined by Chick Com'r Maytubby:

Q Have you any living kinfolks in the Cherokee Nation? A Yes sir, I have quite a number of them, I don't know all of them, but then I know some.

Examined by Com'r McKennon:

Q They are recognized Cherokee citizens? A Yes sir.

Q Full-bloods? A Yes sir.

Jim Johnson #3)

Examined by Chick Com'r Murray:

Q Do you know any of your father's kinfolks in the Chickasaw Nation? A No sir, only George Wisdom, I understood he was my grandfather; they always told me to call him grandpa, and I always called him grandpa.

Q On your mother's side or your father's side? A I don't know how that was, but he was a full-blood Chickasaw Indian.

Examined by Chick Com'r Lewis:

Q Did you ever hear your mother say whether she was married before she married your father? A No sir.

Q You don't know whether she had ever been married before?
A No sir.

Examined by Com'r McKennon:

Q Your father and mother separated, and then afterwards she married a white man? A Yes sir.

Examined by Chick Att'y Cornish:

Q When was it you went to the Cherokee Nation? Before or after your mother's death? A I went up there and staid about a month.

Q Did she die in the Cherokee or Chickasaw Nation? A She died in the Chickasaw Nation.

Q Your relatives in the Cherokee Nation regard you as a Cherokee? Yes sir.

Q Have you ever voted in the Cherokee Nation? A No sir.

Examined by Com'r McKennon:

Q You did not draw any of the leased District money in 1893? That was paid to the ~~Chickasaws~~ Chickasaws? A No sir.

Q And you were not enrolled in 1896 here? A No sir.

Q If you are on any roll then it must have been the pay roll at the time you and your mother drew the three dollars each, do you know what that money was called? A No sir.

(Com'r McKennon: He appears to be a full-blood Indian.)

Com'r McKennon:

3.1m Johnson 44)

Com'r. Johnson:

As you are not on any roll we have no authority to enroll you, but this record as we have made it will go up to the Secretary of the Interior for his action.

Department of the Interior,
Commissioner to the Five Civilized Tribes.

I hereby certify upon the official oath as stenographer to the above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. Green

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Jim Johnson, or Jim Cole, for enrollment as a citizen by blood of the Chickasaw Nation.

DECISION.

It appears from the record in this case that on December 6, 1899, the applicant, Jim Johnson, or Jim Cole, appeared before the Commission at Atoka, Indian Territory, and made application for enrollment as a citizen by blood of the Chickasaw Nation.

It appears from the evidence offered in support of said application and examination of the tribal rolls of the Chickasaw Nation in the possession of the Commission that the applicant above named has never been enrolled as a citizen of the Chickasaw Nation and that his name does not appear upon the tribal rolls of the Chickasaw Nation.

It further appears from an examination of the records in the possession of the Commission that this applicant has never been admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes, or the legally constituted authorities of the said Nation or the United States Court in Indian Territory on appeal in accordance with the act of Congress of June 10, 1896, (29 Stat., 321).

The act of Congress of June 20, 1898, (30 Stat., 491), provides:

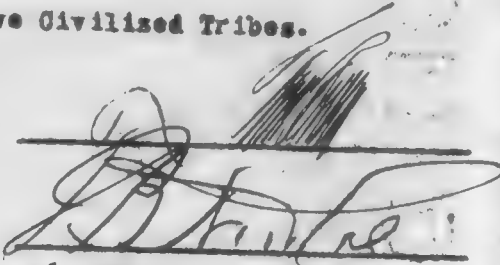
"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900 (31 Stats., 221), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is therefore the opinion of this Commission that Jim Johnson, or Jim Cole, is not lawfully entitled to be enrolled as a member of the Chickasaw Tribe of Indians in Indian Territory, and that his application as such should be refused, and it is so ordered.

The Commission to the Five Civilized Tribes.


C. A. McQuinn
Commissioner

Dated at Muskogee, Indian Territory,
this _ JAN 24 1902

Muskogee, Indian Territory, January 24, 1902.

Jim Johnson or

Jim Cole,

Atoka, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for enrollment as a citizen of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Tamr Birby

Acting Chairman.

1 inclosure.
Chickasaw R 21
Registered.

Muskogee, Indian Territory, January 24, 1902.

Messrs Mansfield, McMurray & Gernish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Jim Johnson (or Jim Gale) for enrollment as a citizen of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Tans Bixby

Acting Chairman.

1 inclosure.
Chickasaw R 21
Registered.

Muskogee, Indian Territory, January 24, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Jim Johnson (or Jim Cole), for enrollment as a citizen of the Chickasaw Nation, including the decision of the Commission, dated January 24, 1902, refusing the application for the enrollment of Jim Johnson (or Jim Cole) as a citizen of said nation.

Respectfully,

Tom Dink

Acting Chairman.

1 enclosure.
Chickasaw N. M.

Through the Commissioner
of Indian Affairs.

RECEIVED

U.S. DEPARTMENT OF JUSTICE

COMMUNICATIONS SECTION

TO THE ATTORNEY GENERAL

FROM THE DIRECTOR OF THE BUREAU OF INVESTIGATION

RE: [illegible]

DATE: [illegible]

BY: [illegible]

FOR THE [illegible]

FILED

MAR 18 1902

U.S. DEPARTMENT OF JUSTICE

COMMUNICATIONS SECTION

TO THE ATTORNEY GENERAL

FROM THE DIRECTOR OF THE BUREAU OF INVESTIGATION

RE: [illegible]

DATE: [illegible]

BY: [illegible]

FOR THE [illegible]

FILED

MAR 18 1902

U.S. DEPARTMENT OF JUSTICE

RECEIVED

U.S. DEPARTMENT OF JUSTICE

COMMUNICATIONS SECTION

TO THE ATTORNEY GENERAL

FROM THE DIRECTOR OF THE BUREAU OF INVESTIGATION

RE: [illegible]

DATE: [illegible]

BY: [illegible]

FOR THE [illegible]

RECEIVED

U.S. DEPARTMENT OF JUSTICE

COMMUNICATIONS SECTION

TO THE ATTORNEY GENERAL

FROM THE DIRECTOR OF THE BUREAU OF INVESTIGATION

RE: [illegible]

DATE: [illegible]

BY: [illegible]

FOR THE [illegible]

FILED

MAR 18 1902

D. C. No. 3770-1902

(COPY)

L. R. S.

12970

J. P.
F.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I.T.D.1119 &
1101-1902.

February 28, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Your decision of January 24, 1902, rejecting the application for enrollment of Jim Johnson, or Jim Cole, as a citizen by blood of the Chickasaw Nation, case R 21, in accordance with the act of May 31, 1900 (31 Stat., 221), is hereby affirmed, as recommended by the Commissioner of Indian Affairs in letter of February 14.

Respectfully,

Thos Ryan

Acting Secretary.

HMD

COPY.

Muskogee, Indian Territory, March 13, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of February 28, 1902, affirmed the decision of the Commission, dated January 24, 1902, denying the application made by Jim Johnson, or Jim Cole, for enrollment as a citizen of the Chickasaw Nation.

Yours truly,

SIGNED: *I. D. Noodles,*

Commissioner in Charge.

COPY

Muskogee, Indian Territory, March 13, 1902.

Jim Johnson,

Or Jim Cole,

Atoka, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of February 28, 1902, affirmed the decision of the Commission, dated January 24, 1902, denying the application made by you for the enrollment of yourself as a citizen of the Chickasaw Nation.

Yours truly,

(SIGNATURE) *T. E. Needles.*

Commissioner in Charge.

Reg 85.

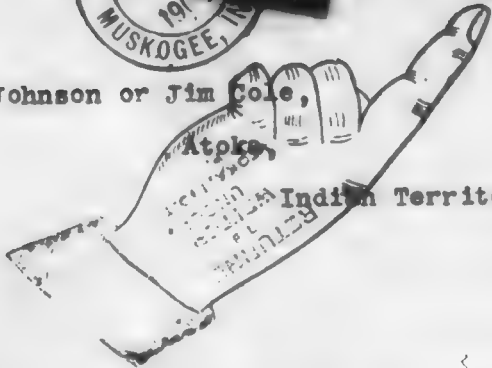
1/1/1



Jim Johnson or Jim Cole,

Atoka,

Indian Territory.



Department of the Interior.

Commissioner to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Unclaimed

Chic. R-22

Chic. R-22

Department of the Interior

Commissioner of the General Land Office
Washington, D. C.
May 1, 1909
Enclosed is a copy of the report of the
Commissioner of the General Land Office
on the application of Sallie Williams for
citizenship.

Commission to the Five Civilized Tribes,

Washita, Indian Territory.

Nov. 17, 1909.

In the application of Sallie Williams for citizenship of self
and children as Chickasaw, the facts being shown and sustained
by Com'r McKennon testifies as follows:

Q What is your name? A Charles Cobb. (Colored.)

Q How old are you? A Fifty.

Q What is it you want to make a statement about in connection
with this case? A I wanted to say that she was a Chickasaw by
blood, and has a right, because I know that her mother is a Chick-
asaw; her grandmother was a full-blood Chickasaw, her mother was
half; her father was a colored man; Molsie Kinsale was the mother
of Sallie Williams. Sallie Williams is Chickasaw by her mother
and colored by her father.

Q What was Sallie's father? A He is a non-citizen; he is a
colored man.

Q But her mother was a Chickasaw by a Chickasaw mother? A Yes,
sir.

Q Are they on any of the rolls? A Her mother is and has two
sisters, but we cannot find her on the roll.

Q Her name is not on any Chickasaw roll? A We could not
find it on there, but it must be on the pay roll because she
drawed wages; I ask Mr. Baggett look for it and he saw that was on
the Kinsale was scratched off, and she must have been one of them.

Q What are her children's names? A Harvey Williams, five
years old; Cora Williams, four years old; Kinsale Williams, two
years old.

Q That is all is it? A Yes, sir.

Com'r McKennon: Sallie Williams is a Chickasaw, and is on
the roll.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
December 6th, 1900, Atoka, I. T.

Supplemental testimony in the matter of the application of
Sallie Williams for enrollment as a citizen of the Chickasaw
Nation by blood. Chickasaw Case R. 22.

ANGELINE PORTER, being sworn by Acting Chairman Pixby, was
examined and testified as follows:

Q What is your name? A Angeline Porter.
Q How old are you? A Thirty years old.
Q Where do you live? A I live right out here in town.
Q At Atoka? A Yes, sir.
Q How long have you lived here? A I came here in 1897.
Q Where did you come from? A My home is in the Chickasaw
Nation at Davis.
Q How long did you live in the Chickasaw Nation? A Why all
my life until I came here.
Q Born in the Chickasaw Nation? A Yes, sir.
Q Have you got any sisters? A Yes, sir. This is my sister
here.
Q What is her name? A Sallie Williams.
Q Your sister? A Yes, sir.
Q What is your father's name? A Richard Kimbell.
Q Is he living? A Yes, sir.
Q What is your mother's name? A Mollie.
Q Is she dead? A Yes, sir.
Q Was your father a Chickasaw Indian? A No, sir; he
was a State man.
Q A colored man? A Yes, sir.
Q Your mother was a Chickasaw Indian, was she? A Yes, sir.
Q Was she enrolled as a Chickasaw? A Yes, sir.
Q How long has she been dead? A I don't know exactly
how long she has been dead.
Q Well, about how long? A About thirteen or fourteen years,
I guess.
Q Do you know whether she ever drew any Chickasaw money? A
Why, yes.
Q Have you been drawing Chickasaw money right along? A Yes,
sir.
Q Have you been recognized by the Chickasaws as a Chickasaw
Indian? A Yes, sir.
Q Have any objections ever been made to your enrollment? A
No, sir.
Q Was your mother a full blood Indian? A Yes, sir; she was a
Chickasaw.

CROSS-EXAMINATION - - - - - By Mr. Cornish.

Q Your children are named Jeff, Isabel Pitchlynn. A Yes,
sir.
Q What is your husband's name? A Joe Pitchlynn.
Q Was he an Indian? A Yes, sir.
Q When did he die? A He is not dead.
Q Where does he live? A I don't know where he lives, in the
Chickasaw Nation somewhere.

Witness excused.

---o---

SALLIE WILLIAMS, being sworn and examined by Acting Chairman Bixby, testified as follows:

Q What is your name? A Sallie Williams.
Q How old are you? A Twenty-eight.
Q Where do you live? A Pickins County.
Q I. T. A Yes, sir.
Q Are you a Chickasaw Indian? A Yes, sir.
Q What is your post office address? A Katy.
Q Have you ever been enrolled by the Chickasaws? A No, sir.
Q What is your father's name? A Richard Kimbell.
Q Is he living? A Yes, sir.
Q Is he a Chickasaw Indian? A No, sir.
Q Is he a white man? A No, sir.
Q Is he a colored man? A Yes, sir.
Q What is your mother's name? A Nelsie.
Q Is she a Chickasaw Indian? A Yes, sir.
Q She is living? A No, sir; she is dead.
Q Was she always enrolled as a Chickasaw? A Yes, sir.
Q Do you know Angeline Porter? A Yes, sir.
Q Is she your sister? A Yes, sir.
Q Is she enrolled as a Chickasaw Indian? A Yes, sir.
Q And drawing money as a Chickasaw? A Yes, sir.
Q How did it happen you didn't get on the rolls? A I don't know, sir.
Q Did you ever apply to the Chickasaw Council? A No, sir; I believe not.
Q Did you ever apply to the Dawes Commission before? A No, sir; I don't believe I did.
Q You didn't apply to the Dawes Commission in 1896, did you? A No, sir; I believe not.
Q Do you know the name of your mother's mother? A No, sir; I don't remember.
Q Do you know whether she was a Chickasaw or not? A Yes, sir.
Q Was your mother's father a Chickasaw? A I don't know her father.
Q Do you know where your father and mother were married? A No, sir.
Q Did you ever hear? A No, sir.
Q Do you know that they were married? A Yes, sir.
Q What did you ever hear about it? A Why, I don't know.
Q You never saw any marriage certificate, did you? A No, sir.
Witness excused.

CHARLES COOPER, being sworn and examined by Acting Chairman Bixby, testified as follows:

Q What is your name? A Charles Cooper.
Q What is it you desire to say in this matter? A I desire to make a statement here: She drew money; she has been on the roll.
Q She has been on the roll when? A All the time up until this \$130 payment, and I think you will find her on the pay roll, but she was scratched off.
Q Why. A Well, I don't know why. There is not reason for why she was scratched off. Of course we have an idea, but then don't know.
Q How do you know she was on the pay roll? Did you see her name on the pay roll? A No, sir; I didn't see her name on the roll, but I seen where two of the Kimbell's was scratched off. She was a Kimbell at that time, she wasn't a Williams.
Q What County did she belong to? A Pickins.

Q Did you know of your own knowledge of her drawing any money?
A Yes, sir.

Q Did you see the money? A I don't remember that I seen the money, but we have always lived right alone together and I know every time they would draw and they would draw, but as to see the money, I don't know as I ever saw it. I couldn't say that I did.

Q All you know about it then is what you heard about it. Did Sallie draw at the same time Angeline did? A Not this last time.

Q She didn't draw in 1893? A No, sir; when they drewed the \$130, she didn't draw.

Witness excused.

I, Wm. S. Wellshear, being duly sworn, upon my oath state that as stenographer to the Commission to the Five Civilized Tribes I correctly reported all proceedings had in the matter of this application at the time and place above referred to, and that the foregoing is a correct, true and complete transcript of my stenographic notes thereof.

Subscribed and sworn to before me this 7th day of December A. D. 1900.



Acting Chairman.

COPY.

H.F.

19-437.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Marcus Williams, Cora Williams, Kimble Williams, Maise Williams and Joe Williams as Chickasaw freedmen.

--: D E C I S I O N :--

It appears from the census card record that on November 17, 1899 application was made to this Commission for the enrollment of Marcus Williams, Cora Williams, Kimble Williams, Maise Williams and Joe Williams as citizens by blood of the Chickasaw Nation.

It further appears from the census card record in this case and the record herein that the applicants are children of Sallie Williams, an alleged Chickasaw by blood, and Wilton Williams, a recognized and enrolled Chickasaw freedman whose name appears as number 1784 upon the final roll of Chickasaw freedmen, approved by the Secretary of the Interior December 12, 1902.

On July 31, 1903 the Commission rendered a decision denying the said Sallie Williams and the applicants Marcus Williams, Cora Williams, Kimble Williams, Maise Williams and Joe Williams enrollment as citizens by blood of the Chickasaw Nation which decision was affirmed by the Department on April 8, 1904.

It further appears that all of the applicants herein were residents in good faith of Indian Territory on June 28, 1898, all applicants listed upon census cards in 1898 and 1899 having been first examined as to such fact although their testimony was not reduced to writing.

It is the opinion of this Commission that the denial of the applicants as citizens by blood of the Chickasaw Nation does not in any way affect their rights as Chickasaw freedmen and that, therefore, the applicants, Marcus Williams, Cora

2.

Williams, Kimble Williams, Maize Williams and Joe Williams, claiming their right through their father Wilton Williams, should be enrolled as Chickasaw freedmen, in accordance with the provisions of the Acts of Congress approved June 28, 1898 (30 Stat., 498) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

SIGNED Tams Bixby
Chairman.

SIGNED I. B. Needles
Commissioner.

SIGNED C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,

JUN 13 1905

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Sallie Williams, and her minor children, Marcus, Cora, Kemble, Maise and Joe Williams, as citizens by blood of the Chickasaw Nation.

THE HONORABLE,

THE SECRETARY OF THE INTERIOR.

Your petitioners, Sally Williams, and her minor children, Marcus, Cora, Kemble, Maise and Joe Williams, now have the honor to appeal to and petition the Secretary of the Interior in behalf of their rights to enrollment as citizens by blood of the Chickasaw Nation in Indian Territory, and respectfully submit the following statement of facts:

Sally Williams, the principal applicant, is a daughter of Molsy Kimball (nee Mahardy) a recognized Chickasaw Indian, who died October 11, 1888, but her recognition as a Chickasaw Indian is unquestioned and may be clearly proven by the records of the Commissioner to the Five Civilized Tribes. Two sisters of Sally Williams, Amanda Abram and Angeline Porter, have been enrolled with their families and have taken lands in allotment; these sisters getting Indian blood from the same mother, Molsy Kimball; The Commission to the Five Civilized Tribes on July 31, 1903, rendered its decision refusing enrollment to these applicants for lack of tribal recognition, which decision is erroneous and not in harmony with the decision of the Commission to the Five Civilized Tribes in an analogous case, namely, Choctaw D - case No. 118, entitled Robert Thompson, et al. The two cases are almost parallel; in each instance the Indian ancestor died prior to making of the final rolls by the Dawes Commission; and the evidence shows that Molsy Kimball mother of Sally Williams, had as much tribal recognition as Robert Thompson, in the case cited. The

Commission held, in deciding the said Thompson case, "that the names of the said minor applicants do not appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission", and further that they "should be enrolled as citizens by blood of the Choctaw nation."

Under the ^{same} holdings, under the same laws, under the same process of reasoning; Sally Williams and her children are entitled to and now urge their enrollment as citizens by blood of the Chickasaw Nation. The name of Molsy Mahardy is shown on the census card No. 610 as mother of Amanda Abram and on No. as mother of Angeline Porter, now a part of the records of the Commissioner to the Five Civilized Tribes and a part of the records of that office on July 31, 1903, when citizenship was refused the applicants. In passing upon the merits of the enrollment case of James M. Buckholts et al., (I.T.D. 8490-1903), the Commission held, the Department affirming the opinion, that the recognition of the ancestor, William Buckholts, "as a Choctaw Indian carried with it the recognition of his children." The case in point is so strikingly similar that insistence is needless; the enrollment of the applicants ought to follow without question.

In further presenting the claims of these applicants, let it be repeated that they were born, all of them, in the Chickasaw Nation to the allegiance thereof, and their residence having been continuous in this nation nothing remains as a bar to their citizenship. The Honorable Secretary is invited to pass upon the merits of this case in the light of the precedent established in the Thompson case referred to, the reasons therein being more plainly set forth than shall be attempted in this paper. The Similarity of the applicants makes the logic in one good for the other.

Concerning the enrollment of Marcus, Cora, Kemble, Maisie and Joe Williams, children of the principal applicant, it is not improper to call attention to their final enrollment and allotment as Chickasaw Freedmen, through their father. With this petition we make motion to cancel their enrollment as such freedmen

and transfer their names to the Chickasaw roll by blood, and permit them to hold the lands already selected as a portion of their allotments as Indians.

Wherefore, petitioners ask that the application for the enrollment be reopened by the Commissioner to the Five Civilized Tribes for the reception of testimony of witnesses and documentary evidence further establishing the blood of Molsy Kimball, the ancestor through whom petitioners claim Indian blood. If in the opinion of the Honorable Secretary more evidence of the tribal recognition of said Molsy Kimball is required than is shown in the records enrolling her two children, Amanda Abram and Angeline Porter, such evidence can be furnished by the oral testimony of Wyatt Mahardy, of Davis, Indian Territory, an enrolled citizen by blood of the Chickasaw Nation, brother to said Molsy Kimball, who will swear that the said Molsy Kimball (nee Mahardy) was born and reared in the Chickasaw Nation of the same parents with himself and with the same tribal recognition to the time of her death; and by the oral testimony of Nelson Chigley, a full blood Chickasaw, of Davis Indian Territory, who will swear that Molsy Kimball (nee Mahardy) was a Chickasaw Indian and had full recognition by the tribal authorities as such; and by the testimony of a dozen of the older members of the tribe now living within the vicinity of the former home of said Molsy Kimball. It is assumed that ample proof of tribal recognition on the part of Molsy Kimball is shown by the records now in the Commissioner's possession but we now offer to strengthen it if demanded. Citing the Buckholts case (Supra) petitioners ask their enrollment on the principal that recognition of the father (or mother) carries with it recognition of the children."

(Signed) S.A. Apple

Attorney for petitioners.

UNITED STATES OF AMERICA |
INDIAN TERRITORY, |
SOUTHERN DISTRICT. |

I, S. A. Apple, counsel for applicants in the foregoing case, state on oath that the matters and facts set forth therein are true and correct to the best of my knowledge and belief.

(Signed) S.A.Apple,

Subscribed and sworn to before me, this 20th day of December, 1905.

(SEAL)

(Signed) F.L.Kelley,
Notary Public.

INDIAN TERRITORY,
SOUTHERN DISTRICT.

I, S. A. Apple, attorney for the petitioners in the foregoing appeal, state on oath that I have this day sent by registered mail to, Mansfield, McMurray & Cornish, Attorneys for the Choctaw and Chickasaw Nations, at South McAlester, Indian Territory, a true, literal and perfect^{copy} of the above and foregoing petition; as witnessed by registry receipt issued by the postmaster at Ardmore, Indian Territory, hereto attached, same being numbered 2290.

(Signed) S. A. Apple,

Subscribed and sworn to before me this 20th day of December, 1905.

(SEAL)

(Signed) F.L.Kelley,
Notary Public.

(Registry receipt attached.)

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
Muskegee, I. T. February 5, 1906.

In the matter of the application for the enrollment of Sallie Williams and her five minor children, Marcus, Cora, Kimble, Maise and Joe Williams, as citizens by blood of the Chickasaw Nation.

The Commission to the Five Civilized Tribes on July 31, 1903, rendered a decision refusing the application made for the enrollment of Sallie Williams, Marcus, Williams, Cora Williams, Kimble Williams, Maise Williams and Joe Williams, as citizens by blood of the Chickasaw Nation, which was affirmed by the Secretary of the Interior April 8, 1904 (I.T.D. 8436-1903).

The minor applicants, Marcus, Cora, Kimble, Maise and Joe Williams, were subsequently enrolled as Chickasaw freedmen by a decision of the Commission to the Five Civilized Tribes of June 13, 1905, by reason of the fact that they were the minor children of Wilton Williams, a Chickasaw freedman, whose name appears upon the final roll of Chickasaw freedmen approved by the Secretary of the Interior, opposite No. 1784. The enrollment of Marcus, Cora, Kimble, Maise and Joe Williams as Chickasaw freedmen was approved by the Secretary of the Interior July 20, 1905, their names appearing upon the final roll of Chickasaw freedmen opposite Nos. 4618-4619, 4620, 4621, 4622, respectively.

The Secretary of the Interior on January 16, 1906 (I.T.D. 8436, 9411, 16258-1905, 330-1906), returned to the Commissioner to the Five Civilized Tribes the record in the matter of the application for the enrollment of Sallie Williams and her five minor children, Marcus, Cora, Kimble, Maise and Joe Williams as citizens by blood of the Chickasaw Nation, with instructions that a full hearing be granted the applicants upon the merits of their claim, for the purpose of ascertaining whether the name of Sallie Williams can be identified as having been erased from any of the Chickasaw tribal rolls in the possession of the Commissioner to the Five Civilized Tribes.

January 24, 1906, the applicant, Sallie Williams, her attorneys of record, S. A. Apple, Ardmore, Indian Territory; D. C. Franklin, Springer, Indian Territory, and S. T. Wiggins, Ardmore, Indian Territory, and Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, were notified that the Commissioner to the Five Civilized Tribes would, at his office at Muskegee, Indian Territory, on Monday, February 5, 1906, at 11 o'clock A. M., hear such testimony as might be submitted by Sallie Williams or her witnesses, or by the attorneys for the Choctaw and Chickasaw Nations, in reference to the right to enrollment of said Sallie Williams and her five minor children as citizens of the Chickasaw Nation.

Now on this 5th day of February, 1906, at 11 o'clock A. M. this case being called for hearing, in conformity with the notices above referred to, the following appearances were entered and proceedings had:

APPEARANCES:

The applicant, Sallie Williams.
Wirt Franklin, of Apple & Franklin, attorneys for petitioner.

G. Rosenwinkle, of Mansfield, McMurray & Cornish, on behalf of the Choctaw and Chickasaw Nations.

SALLIE WILLIAMS, being first duly sworn, testifies as follows:

By the Commissioner:

- Q What is your name? A Sallie Williams.
Q What is your age and your postoffice address? A Katie is my postoffice; I don't know my age.
Q About how old are you? A About thirty, I expect.
Q How many children have you? A I have six.
Q What are their names? A Marcus, Cera, Kimble, Joe and Lyman.
Q Have you a child named Maisie? A Yes.
Q Are they all living? A Yes sir.
Q All living with you? A Yes sir.
Q How old is Lyman? A About a year old now.
Q You never made application for the enrollment of this last child Lyman? A I don't know whether I did or not.
Q You must know; did you? A Yes sir, I mailed it out from Katie postoffice.

It does not appear from the records of this office that any application has ever been made for the enrollment of the youngest child of the applicant, Lyman Williams, either as a citizen by blood of the Chickasaw Nation or as a Chickasaw freedman.

- Q You are the same identical Sallie Williams who applied to the Commission to the Five Civilized Tribes to be enrolled as a Chickasaw Indian by blood? A Yes sir.

By Mr. Franklin:

- Q What is your mother's name? A Maudsey Mahardy.
Q What was your mother, a Chickasaw Indian? A Yes sir, a Chickasaw Indian.
Q How much Chickasaw Indian blood did your mother possess? A I don't know.
Q What is your father's name? A Richard Kimble.
Q Where were you born? A In the Chickasaw Nation.
Q Where have you lived all your life? A Lived in the Chickasaw Nation.
Q Did you ever live outside of the Chickasaw Nation? A No sir.

By Mr. Rosenwinkle:

- Q How do you derive your Indian blood, from your father or mother? A My mother.
Q You have never been recognized by the tribal authorities of the (2) Chickasaw Nation as a Chickasaw Indian? A I don't know.

By Mr. Franklin:

I have stated that the applicant is simple-minded and does not understand these things.

By Mr. Rosenwinkle:

I object to counsel stating that the testimony of his witness is absolutely worthless, and that she is simple-minded.

By the Commissioner:

I would like to ask one question. This whole proceedings is instituted upon an affidavit attached to a motion for a rehearing and signed by the witness, Sallie Williams, in which she alleges certain material facts in reference to her recognition as a Chickasaw Indian by blood and the payment of moneys to her as such a citizen. Now, if the witness is not competent to testify in reference to her recognition as a member of the tribe, on what ground was this motion prepared?

By Mr. Franklin:

It was sent here on the statements made in Mr. Apple's petition.

By the Commissioner:

We will take the testimony of the witness for what it is worth.

By Mr. Franklin:

I thought it would just take up time; I have no objection whatever to your taking her testimony.

By Mr. Rosenwinkle:

- Q Did you make an affidavit last summer before Mr. Brown, a notary Public? A Yes sir.
- Q Did you personally make it? A I didn't, my father did.
- Q You didn't state in an affidavit that in 1893 your name was presented to Tecumseh A. McClure, who is now dead, to receive a pro rata share of the leased district payment? A I don't know, sir.
- Q You don't know whether you made that statement or not? A I don't know.
- Q Who was Maudsey Mahardy's father? A I didn't know her father.
- Q Who was her mother? A I don't know.
- Q What kind of an Indian was Maudsey Mahardy? A Chickasaw, all I knew, all I could tell you.
- Q How many times have you appeared before the Dawes Commission? A Several times.
- Q Where did you appear the first time? A Pauls Valley, Tishomingo and Atoka.
- Q Do you know a man by the name of Brown? A Brown?
- Q Yes? A I don't believe I do.
- Q Do you remember where you were last July? A In the Chickasaw Nation, at home, I guess.
- Q You didn't make any trips away from home, last July? A No sir, not that I recollect.

- Q About the time of the election--a little before the Chickasaw election, did you make any trip? A No sir.
- Q Ever go to school any? A A little.
- Q How much Indian blood do you claim to be possessed of? A I don't know exactly.
- Q Do you know whether you have any at all or not? A Yes sir, I do.
- Q Do you think you look very much like an Indian? A Yes sir.

I would like to have the records show that the applicant has the appearance and physical characteristics of a full-blood negro; her hair is kinky and does not appear like that of an Indian.

By Mr. Franklin:

I would like to correct that statement with the statement that the applicant has the high cheek bones of an Indian, the lips are not as full as those of a full-blood negro and except for her color she might have all the physical characteristics of an Indian.

- Q Did you ever draw any money as a citizen of the Chickasaw Nation? A No sir, I never drew any money.

Witness excused.

RICHARD KIMBLE, being first duly sworn, testifies as follows:

By the Commissioner:

- Q What is your name? A Richard Kimble.
- Q Your age and postoffice address? A Davis.
- Q How old are you? A About 56 I guess.
- Q Are you a citizen of either the Choctaw or Chickasaw Nation? A I am--of the Chickasaw Tribe.
- Q You have never appeared been enrolled as a member of either of the tribes? A I did on the first rolls.
- Q Is your name on the present roll? A Not at present.
- Q You are just a claimant? A Yes sir.

By Mr. Franklin:

- Q What relation are you to the principal applicant in this case, who has just testified? A Sallie Williams?
- Q Yes? A I am her father.
- Q What is her mother's name? A Manksey Kimble.
- Q What was her mother's maiden name? A Manksey Mahardy.
- Q Was Manksey Mahardy a citizen during her lifetime of either the Choctaw or Chickasaw Nation? A Yes sir.
- Q Of which Nation? A Chickasaw.
- Q How much Chickasaw blood did Manksey Mahardy possess? A About half, I guess, her father was a colored man.
- Q What was the name of Manksey Mahardy's mother? A Ann Thomas.
- Q What was the citizenship of Ann Thomas? A She was a Chickasaw Indian.
- Q How much Chickasaw Indian blood did Ann Thomas possess? A She was a full-blood.

- Q Where did Ann Thomas and Maulsey Mahardy live during their lifetime? A They lived on the Washita, about four miles south of Davis.
- Q Were Maulsey Mahardy and Ann Thomas recognized citizens of the Chickasaw Nation? A Yes sir.
- Q Where was Sallie Williams born? A Born at old Fort Arbuckle.
- Q In what Nation? A Chickasaw Nation.
- Q Where has Sallie Williams lived all her life? A Lived out on the river below Davis.
- Q Mr. Kimble, did Sallie Williams ever draw any money as a citizen of the Chickasaw tribe?

By Mr. Rosenwinkle:

We object, the rolls are the best evidence.

(Witness permitted to answer) A Yes sir.

By Mr. Franklin:

- Q When was this money drawn? A I don't know the year that that payment was made--its a long while ago.

By Mr. Rosenwinkle:

I want to interpose another objection. I think, if I understood Mr. Franklin, that he asked if Maulsey Mahardy and Ann Thomas ever drew any money.

By Mr. Franklin:

No, it was Sallie Williams.

- Q Who drew this money for Sallie Williams? A Her mother.
- Q Maulsey Mahardy? A Yes sir.
- Q How many times was money drawn for Sallie Williams? A Twice.
- Q How much did she draw on each of these occasions? A One payment was \$16.50 and one \$9.50.
- Q How old was Sallie Williams when this first payment was drawn? A I don't know exactly, she must have been three years old or a little older.
- Q When was Sallie Williams born? A 28th day of September, 1872.

I desire to request of the Commissioner that the 1878 Chickasaw Annuity roll for Tishomingo and Pickens Counties be examined to ascertain whether the name of Maulsey Kimble or Mahardy and her family appear thereon.

- Q Mr. Kimble, has Sallie Williams any brothers or sisters? A Half brothers, one half brother.
- Q Any more? A She got a half sister--Amanda Abrams her half sister.
- Q What are the names of the brothers and sisters of Sallie Williams? A William Kimble is a half brother to her.
- Q Name the brothers and sisters of Sallie Williams, by the same mother, Maulsey Mahardy? A Haven't got any--I don't understand it just exactly right. You mean Maulsey or Sallie?
- Q Name the children of Maulsey Mahardy? A Wyatt, Maulsey and John Thomas.

By the Commissioner:

Q What are the names of your children by Maulsey Mahardy? A Angeline Porter and Sallie Williams.

Q Now did Maulsey Mahardy have any children by any other man? A Had one.

Q Which one? A Amanda Williams.

By Mr. Franklin:

What is Amanda Williams present name? A Amanda Abrams.

Q Have Amanda Abrams and Angeline Porter been finally enrolled as citizens of the Chickasaw Nation? A No sir.

By Mr. Rosenwinkle:

I object, I don't think it is material.

By Mr. Franklin:

And as I understand you, Angeline Porter is a full sister of Sallie Williams? A Yes sir.

Q You stated a while ago that Sallie Williams drew a payment of \$16.50 when she was three or four years old; did she draw any payment after that? A \$9.50.

Q How long after the payment of the \$16.50? A I don't know.

Q Who drew this money for her? A Her mother, Maulsey did. Drew both times.

Q Did Sallie Williams draw the money--\$130-- that was paid to the Chickasaws in 1893? A No sir.

Q How did that happen Mr. Kimble? A This here Tecumseh--I went to put the name on and he told me he new the family so well, just to give him the name of this girl and the baby--

Q What girl? A Sallie.

Q You say you gave Tecumseh McClure, who was making up the roll, the name of Sallie Williams and her baby, to be enrolled? A Yes sir.

Q How did it happen that he did not get these names on the roll? A Just neglected it--they said he forgot to put it on.

Q But they did enroll Angeline Porter, a full sister? A Yes sir.

Q So far as you know, have Sallie Williams and her mother, Maulsey Kimble, always been allowed to hold land as citizens of the Chickasaw Nation, and other privileges, including the drawing of the money? A Yes sir.

By Mr. Rosenwinkle:

We object, it is immaterial and irrelevant; of course they didn't have to pay permits if they enjoyed the status of a freedmen.

By Mr. Franklin:

Q You are of negre blood? A Yes sir.

Q Where were you born? A New Jersey.

Q Were you ever a slave? A No sir.

Q How did you happen to come to this country?

By Mr. Rosenwinkle:

We object to that; we submit that it is immaterial why he left New Jersey and came to the Indian Territory.

By the Commissioner:

It is immaterial.

By Mr. Franklin:

- Q Did you or your daughter, Sallie Williams, ever claim the right to enrollment as Chickasaw freedmen? A Yes sir, but we had never been enrolled.
- Q I think you misunderstand me; did you ever claim the right to enrollment as freedmen? A No sir.
- Q You are a free born negro? A Yes sir.
- Q And whatever right Sallie Williams claims is through her mother? Maulsey Warhardy? A Yes sir.
- Q Maulsey Warhardy was an Indian? A Yes sir.

By Mr. Rosenwinkle:

We object; the attorney is just leading him on.

- Q You say that Sallie Williams, this applicant, was born on the 28th of September, 1872? A Yes sir.
- Q How old was she when the payment was made--the first payment she drew? A I don't know just how old she was, because along them times there wasn't no records kept except what the Chickasaws kept; we never had no books or papers.
- Q You are a pretty intelligent man? A No sir, don't represent myself that way.
- Q You remember something about it? A I can't remember at all, just exactly.
- Q You can remember where Ann Thomas was born, you remember that? A No sir, I don't.

By Mr. Franklin:

I object to that; the applicant didn't testify to these facts. I think he stated that Sallie Williams was born down on the Washita.

By Mr. Rosenwinkle:

- Q You were present before a man by the name of Brown when Sallie Williams made an affidavit? A No sir, I don't think I was there; I was there when he made some.
- Q Did Sallie make one, to your knowledge? A They said so, but I wasn't there.
- Q Is that your signature? A That's mine, but when they made it I wasn't there.

We offer the purported affidavit of Sallie Williams to be considered in connection with this testimony, alleged to have been taken before T. S. Brown.

- Q You were not present and know nothing about the making of this affidavit? A Just the first part of it; I wasn't there when they started it.
- Q When was the second payment made? A I don't know what year when any of the payments was made.
- Q About how old was Sallie? A Sallie was a small baby when the first one was made and and the second one she was a girl about so high; I don't know what year.

- Q When did Ann Thomas die? A She died on the 31st day of January, 1870.
- Q You are certain about that? A Yes sir.
- Q Were you present when Sallie Williams appeared before the Commission and made application? A Where at?
- Q I don't know; wherever it was. A I was with her at Tishomingo.
- Q Were you present when she appeared before the Commission at McAlester? A No sir.

By Mr. Franklin:

- Q Mr. Kimble, there is an affidavit on file, purporting to be the affidavit of Sallie Williams, signed by mark, which was sworn to on the 30th of July, 1905; did you witness the signature of Sallie Williams by mark? A Where was it made?
- Q It was sworn to before F.S.E. Brown, a notary public? A Yes, I was there, but I wasn't there when they first took it up.
- Q You were there when the same was signed, and witnessed the signature of Sallie Williams by mark? A Yes sir.
- Q Did she sign this affidavit? A She couldn't write.
- Q She signed it by mark? A Yes sir.

By Mr. Rosenwinkle:

- Q Who signed it for her? A I did I reckon.
- Q Did you, or did you not? A I just can't remember exactly, I know I signed it.
- Q Who signed Sallie's name? A I don't know who signed her name for certain.
- Q You don't remember much about it? A Yes sir, I do remember.

By the Commissioner:

- Q You can write, can't you? A Yes sir, a little.

The Commissioner presents the affidavit of Richard Kimble filed in support of a motion for rehearing in this case, dated July 9, 1900.

- Q Is that your signature? A Yes sir.
- Q Did you make that affidavit? A Yes sir.
- Q In this affidavit, which is an affidavit filed in support of a motion for rehearing, you state that about the year 1875, when the payment was made to the Chickasaws of about \$17.50, the applicant, Sallie Williams, was on the rolls as a Chickasaw Indian and I drew the money for her? A She drew at Tishomingo; I never did state that she drew \$17.50; \$16.50 was what I said all the time.
- Q Did you draw the \$16.50? A No sir.
- Q Who did draw the money? A Haulsey.
- Q Do you know anything about the money? A Yes sir, she went and got it.
- Q You wasn't there? A No sir.
- Q Who paid it to her? A I don't know.
- Q You also state in this affidavit, "I also drew the \$9.50 payment for her"? When was that? A I don't know what year it was in.
- Q Did you draw it yourself? A No sir, I never have said—
- Q Then you never have drawn any money? A No sir, I drew the \$9.50; I never did draw the money—
- Q Then as an actual fact, you have never personally drawn any money, or been paid any money by the Chickasaw tribal authorities for this girl, Sallie Williams? A No sir, I never have

went up to the office and drew it myself; my wife did it. My name was put on by Culherson Harris.

- Q In what county in the Chickasaw Nation were these alleged payments made to Maulsey Mahardy? A In Tishomingo County, I think.

By Mr. Rosenwinkle:

- Q Why do you say you think it was in Tishomingo county? A Well, it was in Tishomingo.
Q At what place? A At Tishomingo.
Q At the town? A Yes sir.
Q Who made them? A I don't know.
Q As an actual fact, do you know anything about the payment of the money? A I wasn't there at any of them.

Case continued until 2 P. M.

At 2 o'clock, February 5th, 1906, this case being continued, Richard Kimble was recalled:

By Mr. Rosenwinkle;

- Q When was this first payment made to Sallie Williams? A I don't know the year--I don't know it at all--I can't remember.
Q You say you didn't receive either of the payments? A No, my wife drew them.
Q What did you mean by the statement that you received the payment but your wife drew the money? A It was paid to us.
Q What was your connection with the payment of it; was you there? A Yes sir.
Q Did you see it paid to your wife, Maulsey? A No sir, I wasn't right in the office.
Q How much was the first payment? A \$16.50.
Q Where was that paid? A Tishomingo.
Q Who was it paid to? A Paid over to Maulsey Kimble.
Q Who paid the money to Maulsey Kimble? A I think it was Mr. Rennie.
Q Now how old was Sallie Williams when this \$16.50 payment was made? A She was small--I don't know exactly.
Q Do you know what that payment was for? A No sir, no more than they paid it to us; they called it annuity.
Q How long after this first payment was it that the \$9.50 payment was made? A I don't know how many years, must have been about four or five years, I reckon.
Q Do you know what the \$9.50 was paid for? A They called it annuity.
Q Who was it paid to? A My wife.
Q Was it paid to you or to your wife? A No sir, my wife drew it.
Q Who made that payment? A I disremember which one; whether it was Mr. Rennie, the same man, I don't know for certain.
Q Where was that paid? A At Tishomingo.
Q In the town of Tishomingo? A Yes sir.
Q How old was Sallie Williams when that \$9.50 was paid? A She was a good-sized chap, about that high (indicating about four feet).
Q About how old? A Seven or eight years old.
Q How old is she now? A She was born in '72.
Q Now, was there anybody else in your family that drew that payment? A Yes sir.
Q Who? A There was Amanda, Angelina, Sallie and Maulsey.

- Q How much did they get altogether? A Never counted it up.
 Q Did you get any part of that payment? A Yes sir.
 Q How much did you get? A Just like the others did.
 Q How much? A \$16250 and \$9.50.
 Q Did you get that money for your own self? A She drew for them.
 Q I asked if you got any payment--you, your individual self--did you get a payment? A Paid it to her each time.
 Q Now, we are talking about the \$9.50 payment that you say was made when Sallie Williams was six or eight years old? A I think she was.
 Q Is that the \$9.50 payment? A Yes sir, that's the way it was.
 Q Do you remember what year it was paid in? A No sir, I don't know the year.
 Q Who else got it besides Sallie Williams, Angeline Porter and Amanda Abrams? A That was all of us at that time, Sallie, Angeline, Amanda and "aulsey.
 Q Is Sallie Williams your youngest child? A Yes sir.
 Q How much older than Sallie Williams, is your daughter, Angeline Porter? A I think there is three years difference in their ages.
 Q How much older than Angeline Porter is Amanda Abrams? A I don't just know exactly. Her mother stated she was born--there was about four years difference in their ages.
 Q What is your name? A Richmond Kimble.
 Q Didn't you sign these affidavits Richard Kimble? A Yes sir, that was my short name and I signed it that way.
 Q What is your name? A Richmond Kimble.

By the commissioner:

There is in the possession of the Commissioner to the Five Civilized Tribes a record entitled "Captain Henderson Greenwood's Annuity Roll, December 19, 1878." This record contains the names of 247 persons as heads of families. At the end of said record is a certificate as follows: Recapitulated, 247 heads of families, 775 persons.

"I hereby certify that the foregoing is a correct list of persons registered in Tishomingo County for Annuity 1878.

(Signed) Henderson Greenwood,
 Register of Tishomingo County,
 Chickasaw Nation.

Dec. 19th, 1878."

Opposite No. 209 upon said record appears the name of Richard Kimbal, the head of a family, and whose family is given as one wife and three female children, five in the family, and said roll has receipted opposite the name of Richard Kimbal, Rennie.

It appears from notations upon said record that the same is a roll of Chickasaw citizens residing in Tishomingo County, to whom the sum of \$9.50 was paid in December 1878. The last syllable of the given name of the witness, Richard Kimble, appearing to have been changed by writing over the letters a r d, the letters m o n d.

By Mr. Rosenwinkle:

- Q Now you say that that payment that you drew of \$9.50 for Sallie Williams was when she was about six or seven years old? A To the best of my judgment.
 Q She is now about 32? A Yes sir.
 Q Have you ever drawn any money or has she ever drawn any money since the payment of that \$9.50 paid in 1878? A No sir, the last payment of \$130, they never got it.

- Q It is not claimed that she ever attempted to draw this \$130 that was drawn in '93? A Yes sir.
- Q Did she try to get it? A As I told you, Tecumseh McClure knew the family and he told me to give---
- Q At the time they were actually paying this money to the Chickasaws, this \$130, did Sallie Williams or you make an application for the money? A Yes sir.
- Q Where? A At Tishomingo.
- Q When? A I went there and they told me this ----
- Q Was Sallie Williams on that roll of the payments that were made to the Chickasaws in 1893? A The last payment?
- Q Yes? A No sir.
- Q Then her name was not on the roll that they were making the payments of \$130 from? A No sir, he didn't put it on; if he did, I don't know it.

By Mr. Franklin:

- Q As I understood you to say a little while ago, this Tecumseh McClure, took the name of your daughter, Sallie Williams, and her child? A Yes sir.
- Q On a slip of paper? A Yes sir.
- Q But they were never transferred to the roll through some error of him? A Yes sir.
- Q When did you first learn of this, that the names had not been transferred to the roll? A I went down to draw the money and didn't know until then; that's what they told me at the office.
- Q Mr. Kimble, your wife, Maulesey Mahardy's mother was Ann Thomas, as you testified this morning? A Yes sir.
- Q Did Ann Thomas have any other children? A Yes sir.
- Q What are their names? A Wyatt, Maulesey, Maulesey Mahardy, and John Thomas.
- Q Have Wyatt Mahardy and John Thomas been enrolled as citizens by blood of the Chickasaw Nation? A Yes sir.
- Q And have selected their lands as citizens of the said nation? A Yes sir.
- Q Was John Thomas a full brother or half brother of your former wife, Maulesey Mahardy? A Half.
- Q What was the name of John Thomas' father? A Thomas.
- Q What was his citizenship? A He was a citizen of the Chickasaw tribe, that's all I know.
- Q Was he an Indian? A He was a white man.
- Q Then whatever rights John Thomas gets as an Indian by blood he gets from his mother, Ann Thomas? A Yes sir.
- Q Was Wyatt Mahardy a full brother of your former wife, Maulesey Mahardy? A Yes sir.
- Q Same father and mother? A Yes sir.

B. Mr. Rosenwinkle:

- Q You say John Thomas was a white man? A I don't know.
- Q You stated that when these payments were made at Tishomingo you drew \$9.50? A Yes sir, my wife drew it.
- Q That was in '78? I don't know.
- Q It was about that time? A I guess so.
- Q In your affidavit that you made on the 30th of June, 1905, you make this statement; that about the year 1878, the claimant, meaning Sallie Williams, was on the rolls when affiant and his wife, Maulesey Mahardy Kimble, were present and drew \$16.50? A I was present.
- Q Which is true, your present testimony or this affidavit? A I gave it there just like I give it here.
- Q I want you to say which one of these statements is true? A I told you just what I knew.

By Mr. Franklin:

He has testified that they drew both of these payments.

By Mr. Rosenwinkle:

He testified that in about 1878, and the names have been identified upon that roll, that he drew \$9.50; now here is his affidavit, in which he states that at that time he drew \$16.50. I want him to answer which he drew.

By Mr. Franklin:

When does the affidavit say he drew this \$16.50?

By Mr. Rosenwinkle:

It states that about the year 1875; he has previously testified that this was the first payment that was made.

By Mr. Franklin:

He testified this morning that he drew the \$9.50 about three or four years after the \$16.50 payment.

Q By Mr. Rosenwinkle:

I knew very well what he testified to; he said the first payment was made when this child was a very small child and that the second payment was made when she was about 14 years old.

- Q When was this first payment made, according to your best recollection? A I don't know what year it was in?
- Q When was this child, Sallie Williams, born? A Born in '72.
- Q About how old was she when the first payment was made? A About four or five years old, I can't tell just exactly.
- Q It must have been along in '77 or '78 when the first payment was made to her? A I don't know.
- Q You seem to know a great deal about the rest of this; you say she was born in '72 and you say she was four or five years old when the first payment was made; then it must have been at least the year '77 when the first payment was made to her? A I don't know when the payment was made, I don't know the year the payment was made.
- Q What was the amount of the first payment? A \$16.50.
- Q How soon after that was the \$9.50 payment made? A I don't know how long--look like it was about three or four years--might have been longer.
- Q It was about three or four years after the first payment that the second payment of \$9.50 was made? A Yes sir.
- Q About how old, in your best judgment, was Sallie Williams when the second payment was made? A Must have been about eight years old I reckon, I don't know for certain.
- Q When the first payment was made you have testified that she was four or five years old?

By Mr. Franklin:

I wish to say that I want all the answers to go in the record; I don't want the witness interrupted in the middle of an answer that seems unfavorable to counsel for the Nation.

By Mr. Rosenwinkle:

I insist upon conducting this cross-examination as I see fit.

(Witness permitted to answer)

A To my best knowledge, she was.

Q About how many years after that was it that the 2nd payment was made? A Must have been about three or four years, look like--might be longer, maybe not so long.

Q Then the second payment must have been made along about the year '81 or '82? A The last one?

Q Yes, the last one? A Which one do you mean?

Q The last payment? A The last one they got?

Q The last of the twp? A I don't understand.

Q You have testified about two payments, now I have asked you if the last payment was made about '81 or '82? A There was two payments, I don't know what year it was; I don't know the year.

Q You have testified that two payments were made to this applicant; one along in the seventies and sometime, when she was four or five years old and one several years after that, about the year 1881 when she was several years older; you have also testified that the first payment was made to her was \$16.50 and the second payment was \$9.50; that is your testimony? A Yes sir.

Q That being the case, the names that appear upon that roll could not have been your people, because that roll was made in '78? A I don't know these numbers, I don't know anything about them.

Q The \$9.50 payment that was made to you and your people you have testified clearly was made sometime after the year 1880; there is no question about that? A I don't know the year, I can't tell you.

Q You have testified repeatedly about that? A I have stated I remembered the payments.

Q If the records there that the Commissioner has will show that a payment was made to certain persons in '78 and you testify that your people did not draw the \$9.50 payment until after the year 1880, they could not be the same people? A I don't know anything about the years and I just testified about the payments.

Witness excused.

CHARLES COHEE, being first duly sworn, testifies as follows:

By the Commissioner:

Q What is your name? A Charles Cohee.

Q Your age and postoffice address? A Fifty-eight years of age, Berwyn is my postoffice.

Q You are a Chickasaw freedman, are you not? A Yes sir.

Q You have previously testified in this matter in reference to the right to enrollment of Sallie Williams and her children? Yes sir.

By Mr. Franklin:

Q Are you acquainted with the principal applicant in this case, Sallie Williams? A Yes sir.

The Commissioner reads testimony of the witness, Charles Cohee, given at Atoka, Indian Territory, on December 6, 1900, in the matter of the application of Sallie Williams for enrollment as a citizen by blood of the Chickasaw Nation.

By Mr. Franklin:

- Q How long have you known Sallie Williams? A I have known her from her birth.
- Q What was her mother's name? A Maulsey Kimble.
- Q What was her father's name? A Richmond Kimble.
- Q What was the citizenship of her mother? A She was a Chickasaw Indian, that is, she had a Chickasaw right.
- Q Was she a Chickasaw Indian by blood? A Yes sir.
- Q How much Chickasaw blood did she possess? A One-half, supposed.
- Q Who was the mother of Maulsey Kimble? A Ann Thomas.
- Q Did Ann Thomas have any other Name? A Her Indian name was Ishtenahie, or Steniha.
- Q Who was the father of Maulsey Kimble, nee Mahardy? A Mahardy was the father of Maulsey.
- Q What was Mahardy as to his citizenship? A A colored man.
- Q What was Ann Thomas? A She was a full-blood Indian.
- Q Of what tribe? A Chickasaw.
- Q You were personally acquainted with all of these people and knew this of your own knowledge? A Yes sir.
- Q Where has Sallie Williams lived since she was born? A Lived in the Chickasaw Nation.
- Q What other children did Maulsey Kimble have besides Sallie Williams? A Amanda Abrams and Angeline Porter.

Witness excused.

JOE WILLIAMS, being first duly sworn, testifies as follows:
By the Commissioner:

- Q What is your name? A Joe Williams.
- Q Your age and postoffice address? A My age is about 56 or 55 years.
- Q Where do you live? A Live at Katie.
- Q Are you a citizen or freedman of either the Choctaw or Chickasaw Nation? A Freedman of the Chickasaw.
- Q Have you received your allotment? A Yes sir.

By Mr. Franklin:

- Q Are you acquainted with the principal applicant in this case, Sallie Williams? A Yes sir.
- Q How long have you known her? A I been knowing her from a baby.
- Q What was her mother's name? A Maulsey Mahardy, then Maulsey Kimble.
- Q What was the citizenship of Maulsey Kimble, nee Mahardy; what kind of citizen was she, Indian, or white or colored woman? A She was an Indian.
- Q Was she an Indian by blood? A By blood.
- Q Of what tribe? A Chickasaw.
- Q Do you know who was the mother of Maulsey Mahardy? A Yes, a woman by the name of Ann Thomas, Indian woman, full-blood Chickasaw.
- Q Who was the father of Maulsey Mahardy? A Colored man by the name of Mahardy.
- Q Were you personally acquainted with these people, Ann Thomas and Maulsey Mahardy? A Yes sir.
- Q Did Ann Thomas have any other children besides Maulsey Mahardy? A Yes sir, Wyatt Mahardy and John Thomas; three children were the only ones I knew.

- Q Who was the father of John Thomas? A I didn't know his father, but his father was named Thomas.
- Q Was he an Indian or a white man? A White man.
- Q Who was the father of Wyatt Mahardy? A Old man Mahardy--colored man.
- Q Then Maulsey Mahardy and Wyatt Mahardy were full brother and sister? A Yes sir.
- Q So far as you know, have Wyatt Mahardy and John Thomas been enrolled as citizens of the Chickasaw Nation? A Yes sir.

By Mr. Rosenwinkle:

I object to the question and the answer for the reason that the records are the best evidence as to whether or not they have been enrolled as citizens of the Chickasaw Nation.

By Mr. Franklin:

- Q So far as you know, then, John Thomas and Wyatt Mahardy have always been recognized as citizens of the Chickasaw Nation?

By Mr. Rosenwinkle:

I object because the question is leading and secondly because it is not a proper way to prove the blood or racial status of the applicant.

By Mr. Franklin:

- Q Where has Sallie Williams lived all her life? A She was raised down on the Washita near Davis.
- Q In what Nation? A Chickasaw.
- Q Is she any relation to you? A Daughter-in-law.
- Q Your son is her husband and the father of the minor applicants in this case? A Yes sir.
- Q What are the names of her children? A Marcus Williams, Cora Williams, Kimble Williams, Maise Williams, Joe Williams and Lyman Williams.
- Q Are all of these children you have just named living today? A Yes sir.

I would like to request that the affidavits of Ex-Governor Wm. M. Guy of the Chickasaw Nation; Frazier McLish and Nelson Chigley, now on file in the matter of the application for the enrollment of Richard Kimble as a citizen by intermarriage of the Chickasaw Nation, be also considered a part of the record in this case inasmuch as said affidavits show the Chickasaw citizenship of Maulsey Mahardy, the mother of the principal applicant herein.

By Mr. Rosenwinkle:

We object to the introduction, reception and consideration of the affidavits mentioned because in the first place they are ex parte affidavits, taken without notice to the Choctaw and Chickasaw Nations, and for the further reason that some of the witnesses, if not all, are now living and within the jurisdiction of the Commission and can be easily produced before it.

By Mr. Franklin:

Two of the affiants who made these affidavits are now sick, confined to their beds, or were when we made the last attempt to secure their presence in this case.

By the Commissioner:

The objection is a reasonable one and should be sustained.

By Mr. Franklin:

I desire to state that I think the request is warranted as the question in each case is identical. We request then that we be permitted to make copies of the affidavits and file them in this case.

By Mr. Rosenwinkle:

We object to that for the same reasons; you might as well try your whole case on affidavits.

Witness excused.

SALLIE WILLIAMS recalled:

By the Commissioner:

- Q. Sallie, is your husband, Wilton Williams here with you? A No sir.
- Q Did your husband, Wilton Williams, apply for your children to be enrolled as Chickasaw freedmen besides the application you made for their enrollment as Chickasaw Indians? A I don't know whether they did or not.
- Q Your five children, Marcus, Cora, Kimble, Maise and Joe have all got allotments in the Chickasaw Nation as Chickasaw freedmen, have they not? A Yes sir.
- Q Who selected the allotments? A Their father.
- Q Wilton Williams? A Yes sir.

By Mr. Franklin:

Let the records of the Commission show whether or not application was made for the enrollment of these children as Chickasaw freedmen.

By Mr. Rosenwinkle:

We want to interpose another objection for the consideration of this application, for the reason that the name of Sallie Williams does not appear upon the tribal rolls of the Chickasaw Nation within the meaning of the various acts of Congress and that therefore, under the Act of May 31, 1900, the Commission is without jurisdiction to receive or consider their applications.

Witness excused.

Olga Petroff, a stenographer to the Commissioner to the Five Civilized Tribes, on oath states that she correctly reported the proceedings in the above entitled cause and that the foregoing is a full, true and correct transcript of her stenographic notes thereof.

Olga Petroff

Subscribed and sworn to before me this 7th day of February, 1906.

Myron White
Notary Public.

(Endorsements)

IN AN Application for Enrollment of INFANT CHILD
Maize Williams as a citizen of Chickasaw Nation.

Approved Dec. 2 1902

Tame Bixby,
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEC 2 1902

Tame Bixby
Acting Chairman.

Y. Bixby, Secretary of the Commission to the Five Civilized Tribes, has received from the Chickasaw Nation a copy of the application of Maize Williams for enrollment as a citizen of the Chickasaw Nation.

Witnessed and signed at Washington, D.C., this 2nd day of December, 1902.

Subscribed and sworn to before me this 2nd day of Nov. 1902.

Indian Commissioner
Tame Bixby
Acting Chairman

Birth Affidavit.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In re application for enrollment, as a citizen of the
Chickasaw Nation of Maise Williams, born on the 12 day of January,
1900. Name of Father: Wilton Williams, a freedman of the Chickasaw
Nation. Name of Mother: Sallie Williams, a citizen of the Chickasaw
Nation.

Post-office, Katie, Ind Ter

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,))
Indian Territory,))
Southern District.))

I, Sallie Williams, on oath state that I am 31 years of
age and a citizen, by blood, of the Chickasaw Nation; that I am the
lawful wife of Wilton Williams, who is a freedman by adoption, of
the Chickasaw Nation, that a boy child was born to me on the 12 day
of January, 1900; that said child has been named Maise Williams, and
is now living.

her

Sallie X Williams

mark

Witnesses to mark
Must be two (W H Coffman
witnesses ()
(E G McNabb

(Seal)

Subscribed and sworn to before me this day of Nov 3 1902.

J. P. Gibson

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN,
OR MIDWIFE.

UNITED STATES OF AMERICA,))
Indian Territory,))
Southern District.))

I, Ealey Brooks, a midwife, on oath state that I attended
on Mrs. Sallie Williams, wife of Wilton Williams on the 12 day of
January, 1900, that there was born to her on said date a boy child;
that said child is now living and is said to have been named Maise
Williams.

her

Ealey X Brooks

mark

Witnesses to mark:
Must be two (W H Coffman
witnesses ()
(E G McNabb

(Seal) Subscribed and sworn to before me this day of Nov 3 1902.

J P Gibson

Notary Public.

Indian Territory,
Western District.

I, Wirt Franklin, stenographer to the Commission to the
Five Civilized Tribes, on oath state that the above is a full, true
and correct copy of the birth affidavit of Maise Williams, filed
with the records of the Commission.

Subscribed and sworn to before me this 12 day of May, 1903.

Wirt Franklin
Notary Public.

Tams Bixby
Acting Chairman.

Birth Affidavit

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Chicasaw Nation of Joe Williams, born on the 12 day of September, 1902. Name of Father: Wilton Williams, a Freedman of the Chicasaw Nation. Name of Mother: Sallie Williams, a citizen of the Chicasaw Nation.
Post-office, Katie I T

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,))
Indian Territory,)
Southern District.)

I, Sallie Williams, on oath state that I am 31 years of age and a citizen, by Blood, of the Chicasaw Nation; that I am the lawful wife of Wilton Williams, who is a Freedman by Adoption, of the Chicasaw Nation, that a boy child was born to me on the 12 day of September, 1902; that said child has been named Joe Williams, and is now living.

Witnesses to mark

(T H Eskridge

her
Sallie X Williams

Must be two (

mark

Witnesses (Ruth McCandlis

(Seal)

Subscribed and sworn to before me this day of Nov 3 1902.

J P Gibson

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MIDWIFE.

UNITED STATES OF AMERICA,))
Indian Territory,)
Southern District.)

I, Emley Brooks, a midwife, on oath state that I attended on Mrs. Sallie Williams, wife of Wilton Williams on the 12 day of September, 1902; that there was born to her on said date a boy child; that said child is now living and is said to have been named Joe Williams.

her

Emley X Brooks

mark

Witnesses to mark

Must be two (T H Eskridge

Witnesses (

(Ruth McCandlis

(Seal)

Subscribed and sworn to be fore me this day of Nov 3 1902.

J P Gibson

Notary Public.

Indian Territory,))
Western District.)

I, Wirt Franklin, stenographer to the Commission to the Five Civilized Tribes, being first duly sworn, on oath state that the above is a full, true and correct copy of the birth affidavit of Joe Williams, filed with the records of the Commission.

Wirt Franklin,

Subscribed and sworn to before me this 12 day of May, 1903.

W. O. Beall
Notary Public.

Copy

In re application of Sallie Williams.

Southern District

United States, Indian Territory.

I, Nelson Chigly, of the town of Davis, Chickasaw Nation, Indian Territory being a citizen of said Chickasaw Nation, certify upon my personal knowledge of Sallie Williams, who was Sallie Kimbal before her marriage to Welta Williams, was the daughter of Malsey Kimbal and said Malsey Kimbal was the daughter of Steniha Thomas whom I know was a full blood Chickasaw Indian. I have known Steniha Thomas all my life and know that she was the Grand Mather of Sallie Williams whose number is R 22

his
(Signed) NELSON CHIGLY
mark

(Witness Ruby Erdwurm
Sol Erdwurm)

Sworn to before me this the 14th day of Aug. 1900

Fred J. Erdwurm.
Notary Public.

(3821)

Copy

In re application of Sallie Williams.
R 22 on Dawes Commission Rolls.

Indian Territory
Southern District .

Before me Fred. J. Erdwurm a Notary Public in
and for said Territory and District personally appeared
Wyatt Mahardy, who after being duly sworn deposes and says.

I am a citizen of the Chickasaw Nation. Sallie Williams,
who was Sallie Kimbal before her marriage to Wilton Williams,
is my niece and was the daughter of Malsay Kimbal who was my
sister, and the said Malsay Kimbal was the daughter of
Steniha Thomas whom I know was a full blood Chickasaw Indian.

his
(SIGNED) WYATT X MAHARDY
mark

(Witness: Ruby Erdwurm
Sol Erdwurm)

Sworn to before me this the 14th day of Aug. 1900

Fred J. Erdwurm
Notary Public.

(Seal)

Copy

Sulphur, I.T.

Aug. 27th 1900

Hon Tam Bixby

Chrm'n Dawes Commission

Dear Sir

I have been called upon to give what information I can as to the nationality of Ishtonahie an Indian woman, and some of her descendants Wyatt & Malsey Mahardy were children of Ishtonahie. Spelled by attys and notary publics Steniha. I am personally acquainted with Wyatt and knew Malsey but of Malsey's children I know nothing. Mr Nelson Chigly has known them always. One of Malsey's children was left off the roll at the last payment on account of them being at a remote place. I think there is no doubt as to their being Chickasaw blood in their veins. Wyatt and Malsey has always been regarded as Chickasaws and allowed all the franchises that the Chickasaws granted the tribe. I am, if necessary, willing to be qualified to the above statement.

Very Respectfully

Your obt Svt

Wm M Guy

Sulpher, I. T.

Aug. 27th 1900.

Hon. Tams Rixby,

Chairman Dawes Commission.

Dear Sir:

I have been called upon to give what information I can as to the nationality of Ishtonahie an Indian woman, and some of her descendants. Wyatt and Malsey Mahardy were children of Ishtonahie. Spelled by attorneys and notary publics Stenihia, I am personally acquainted with Wyatt and knew Malsey, but of Malseys children I know nothing. Mr. Nelson Chigley has known them always. One of Malseys children was left off this roll at the last payment on account of them being at a remote place. I think there is no doubt as to their being Chickasaw blood in their veins. Wyatt and Malsey has always been regarded as Chickasaws and allowed all the franchises that the Chickasaws granted the tribe. I am, if necessary, willing to be qualified to the above statement.

Very respectfully,

Your obt svt,

William M. Guy

In re-application of Sallie Williams.

#R22 on Dawes Commission Rolls.

Indian Territory

Southern District

Before me Fred J. Erdwurm a Notary Public in and for said Territory and District personally appeared Wyatt Mahardy, who after being duly sworn deposes and says.

I am a citizen of the Chickasaw Nation. Sallie Williams, who was Sallie Kimbal before her marriage to Wilton Williams, is my niece, and was the daughter of Malsey Kimbal, who was my sister, and the said Malsey Kimbal was the daughter of Stenihia.

Thomas, whom I know was a full blood Chickasaw Indian.
his
Wyatt Mahardy
mark

Witness

Ruby Erdwurm
Sol Erdwurm

Sworn to before me this the 14th day of Aug. 1900.

Fred J. Erdwurm
Notary Public.

In re Application of Sallie Williams.

Southern District

United States, Indian Territory.

I, Nelson Chigly, of the town of Davis, Chickasaw Nation, Indian Territory being a citizen of said Chickasaw Nation, certify that upon my personal knowledge, Sallie Williams, who was Sallie Kimbal before her marriage to Weltin Williams, was the daughter of Malsey Kimbal and said Malsey Kimbal was the daughter of Steniha Thomas, whom I know was a full blood Chickasaw Indian. I have known Steniha Thomas all my life and know that she was the grandmother of Sallie Williams, whose number is R. 22.

Witness

Ruby Erdwurm)
Sol Erdwurm)

his
Nelson Chigly X
mark

Sworn to before me this the 14th day of Aug. 1900

(Seal)

Fred J. Erdwurm.
Notary Public.

Department of the Interior
Commission to the Five Civilized Tribes
F I L E D

Dec 5 1900

Tam Bixby,
Acting Chairman.

COPY.

Chickasaw R 22

Muskogee, Indian Territory, October 27, 1902.

Sallie Williams,

Katie, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 24th instant, in which you desire to be advised why your children have not been enrolled.

In reply to your letter you are advised that it appears from our records that on November 17, 1899 application was made for the enrollment of Sallie Williams and her children, Marcus, Cora and Kimble Williams as citizens of the Chickasaw Nation. No ~~decision~~ has up to this time been rendered in the matter of such application.

Respectfully,

SIGNED

T. B. Needles

Commissioner in Charge.

COPY.

9-R-22
19-437

Muskogee, Indian Territory, December 2, 1902.

Sallie Williams,

Katie, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of November 3, 1902, enclosing the application for enrollment as a citizen of the Chickasaw Nation of Maise Williams, infant son of Wilton and Sallie Williams, born January 12, 1900; also the application for enrollment as a citizen of the Chickasaw Nation of Joe Williams, infant son of Wilton and Sallie Williams, born September 12, 1902; and the same being in proper form have been duly filed with the records of the Commission as evidence of birth of the above named children.

Respectfully,

SIGNED *Tame Bixby.*

Acting Chairman.

COPY.

Chickasaw R 22

Muskogee, Indian Territory, February 20, 1903.

W. G. Landry,

Katie, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of February 13, asking if Sallie Williams, a negro, has a right to hold land in the Choctaw Nation. You further state that you have not enough land for allotment for the Oliphant child.^{ren.}

In reply to your letter you are advised that it appears from our records that Sallie Williams is an applicant to this Commission for the enrollment of herself and her children as citizens by blood of the Chickasaw Nation. No decision nor opinion has yet been rendered relative to their right to such enrollment.

You are further advised that you do not mention the names of the Oliphant children to whom you refer, and it is therefore impossible to give you any definite information relative to their enrollment.

Respectfully,

SIGNED *Tatne Bixby.*

Acting Chairman.

Muskogee, Indian Territory, July 8, 1903.

Wilton Williams,

Katie, Indian Territory.

Dear Sir:

The receipt is hereby acknowledged of your letter of July 8, asking why the enrollment of your wife, Sallie Williams, has not yet been approved by the Secretary of the Interior.

In reply to your letter, you are informed that it appears from our records that Sallie Williams, wife of Wilton Williams, a Chickasaw freedman, is an applicant to this Commission for the enrollment of herself and her minor children, Marcus, Cera, Kimble, Maise and Joe Williams, as citizens by blood of the Chickasaw Nation, and their final right to such enrollment has not yet been determined. As soon as a decision is reached the applicants will be advised of the action of the Commission.

Respectfully,

Commissioner in Charge.

Chickasaw-R-22

COPY.

Muskogee, Indian Territory, July 31, 1903.

Sallie Williams,

Katie, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application made by you for the enrollment of yourself and your minor children, Marcus Williams, Cora Williams, Kimble Williams, Maize Williams and Joe Williams, as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case is this day transmitted the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED)

I. B. Needles.

Commissioner in Charge.

Registered.

Enc.HQ.11/31

COPY.

Muskogee, Indian Territory, July 31, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application for the enrollment of Sallie Williams and her minor children, Marcus Williams, Cora Williams, Kimble Williams, Maize Williams and Joe Williams, as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case is this day transmitted the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED)

T. B. Needlee.

Commissioner in Charge.

Enc. HG. 12/31

COPY.

Muskogee, Indian Territory, July 31, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by Sallie Williams, for the enrollment of herself and her minor children, Marcus Williams, Cora Williams, Kimble Williams, Maise Williams and Joe Williams, as citizens of the Chickasaw Nation, including the decision of the Commission, dated July 31, 1903, denying said application.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

Chickasaw-R-22

Through the
Commissioner of Indian Affairs.

COPY.

Chickasaw Freedmen
437, 438

Muskogee, Indian Territory, September 3, 1903.

Burris & Bourland,

Attorneys at Law,

Tishomingo, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of September 1, asking the status of Joe Williams, Ellen, Wilton and Miles Williams, and three or four other grown daughters whose names you do not mention, as Chickasaw Freedmen.

In reply to your letter you are informed that it appears from our records that Ellen Williams, wife of Joe Williams, a non-citizen, and her children, Ebenezer, Penrietta, Mattie and Irene Williams, Palina Franklin, and [redacted] grandchild, Ellen Franklin, have been enrolled by this commission as Chickasaw freedmen, and their enrollment has been approved by the Secretary of the Interior.

It further appears from our records that Marcus, Cora, Kimble, Maise and Joe Williams, son of Wilton and Sallie Williams, are applicants to this Commission for enrollment as Chickasaw freedmen but their final right to such enrollment has not yet been determined.

Respectfully,

SIGNED *Tame Bixby.*

Chairman.

Land
50059-1903

(Copy)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

WASHINGTON, Nov. 28, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted, herewith, for the consideration of the Department, the records of proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Sallie Williams for the enrollment of herself and her minor children, Marcus, Cora, Kimble, Maise and Joe Williams, as citizens by blood of the Chickasaw Nation.

July 31, 1903, the commission rendered a decision in this case finding that it does not appear from the evidence submitted in behalf of these applicants or from the records of the commission that any of them have ever been admitted to citizenship in the Chickasaw Nation by the legally constituted court or committee of said nation, and further finding that none of their names appear upon any of the Chickasaw tribal rolls in the possession of the commission and that it does not appear that any of them has ever been admitted to citizenship in the Chickasaw Nation by the Com-

--2--

mission to the Five Civilized Tribes or by a decree of the United States Court in Indian Territory in accordance with the provisions of the Act of Congress approved June 10, 1896.

By reason of the premises the commission is of the opinion that their application should be refused under the provisions of section 21 of the Act of Congress approved June 28, 1898, with which opinion of the commission the office concurs, and recommends that it be confirmed by the Department.

Very respectfully,

W. A. JONES,

Commissioner.

(W.C.B.) P.

COPY.

Chickasaw R 22

Muskogee, Indian Territory, December 31, 1903

Rennie & Gardner,

Attorneys at Law,

Pauls Valley, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of December 22, asking if the name of Sallie Kimball, now Sallie Williams, does not appear upon the 1882 Chickasaw roll now in the possession of the Commission. You state that it is your understanding that she drew the payment made in 1875 and also that made in 1882. You also state that you have been employed as counsel in this case, and desire this information for the purpose of having the case of Sallie Williams re-opened, if the same has been closed for the reception of testimony.

In reply to your letter you are advised that on July 31, 1903, the Commission rendered its decision refusing the application for the enrollment of Sallie Williams and her five minor children as citizens by blood of the Chickasaw Nation, without prejudice to the rights of the children above referred to as Chickasaw freedmen through their father, Wilton Williams. On the same date the record in this case was forwarded to the Secretary of the Interior, and the commis-

R A G 2

sion has not yet been informed of Departmental action in this case.

You are further informed that the name of Sallie Kimball is not found upon the 1875 annuity roll of the Chickasaw Nation in the possession of the commission, nor upon the 1893 Leased District Payment Roll or the 1896 census roll of the citizens of said Nation.

You are further advised that the Commission has not in its possession a roll of the citizens of the Chickasaw nation made in the year 1882.

Respectfully,

SIGNED *Tame Bixby.*
Chairman.

COPY.

Chickasaw R 22

Muskogee, Indian Territory, March 23, 1904.

Richard Kimball,

Davis, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 3, addressed to the Secretary of the Interior, which has been by him referred to the Commission for consideration and appropriate action. Therein you ask the status of the application of your daughter, Sallie Williams for enrollment as a citizen by blood of the Chickasaw Nation

In reply to your letter you are advised that on July 31, 1903, the Commission rendered its decision refusing the application of Sallie Williams for the enrollment of herself and her five minor children as citizens by blood of the Chickasaw nation, and on the same date the record in this case, together with the decision, was forwarded to the Secretary of the Interior. The Commission has not yet been advised of Departmental action thereon.

Respectfully,

SIGNED *I. B. Needles*

Commissioner in Charge.

D.C. 11679-1904
I.T.D. 8436-1903
LRS

(Copy)

W.C.F.
FHE

DEPARTMENT OF THE INTERIOR,

WASHINGTON, April 8, 1904

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

July 31, 1903, you transmitted the record in the matter of the application made by Sallie Williams for the enrollment of herself and her minor children, Marcus, Cora, Kimble, Maise and Joe Williams, as citizens of the Chickasaw Nations, including your decision of the same date denying said application.

Reporting November 28, 1903, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is accordingly affirmed.

Respectfully,

(signed) THOS. RYAN,
Acting Secretary.

1 inclosure.

Chickasaw R-22

Muskogee, Indian Territory, April 30, 1904.

Sallie Williams,

Katie, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior, under date of April 8, 1904, affirmed the decision of this Commission, rendered July 31, 1903, denying your application for the enrollment of yourself and minor children, Marcus, Cora, Kimble, Maise and Joe Williams, as citizens of the Chickasaw Nation.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Chickasaw R-22

COPY.

Muskogee, Indian Territory, April 30, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of April 8, 1904, affirmed the decision of this Commission denying the application made by Sallie Williams for the enrollment of herself and her minor children, Marcus, Cora, Kimble, Maise and Joe Williams, as citizens of the Chickasaw Nation, of which decision you were advised on July 31, 1903.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

C O P Y

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

Y.P.

FHE

I.T.D. 8436-1903.

5505-1904.

D.C. 25587.

L.R.S.

July 14, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

The Department is in receipt of a letter of July 5, 1904, from B. C. Franklin, Springer, Indian Territory, submitting a motion for rehearing in the case involving the application of Sallie Williams, for the enrollment of herself and five minor children as citizens by blood of the Chickasaw Nation.

April 8, 1904, the Department affirmed the decision of your Commission rejecting the application, because after due opportunity the claimants were unable to show that any of them had been enrolled as Chickasaw citizens, or had been duly recognized by proper Chickasaw authority as citizens of the Chickasaw Nation.

The motion can not be entertained, as it does not appear that Mr. Franklin had been admitted to practice before the Department, and there is not sufficient showing in the motion to warrant a rehearing. It does not show any error in the decision complained of. The motion is therefore hereby denied, and you will be advise Mr. Franklin.

Respectfully,

Thos. Ryan,

Acting Secretary.

COPY.

Chickasaw B-23.

Muskogee, Indian Territory, August 3, 1904.

B. C. Franklin,

Springer, Indian Territory.

Dear Sir:

You are hereby notified that on July 14, 1904, the Secretary of the Interior denied your motion for a re-hearing in the matter of the application of Sallie Williams for enrollment of herself and her five minor children as citizens by blood of the Chickasaw Nation.

Respectfully,

SIGNED *T. B. Needles*

Commissioner in Charge.

COPY.

9-122

Muskogee, Indian Territory, August 19, 1904.

Sallie Williams,
c/o K. T. Chapman,
Katie, Indian Territory.

Dear Madam :-

Receipt is hereby acknowledged of your letter of the 16th inst., asking whether your name appears on the 1893 Chickasaw rolls, also whether application can now be made to this Commission for your enrollment.

You are informed that a careful examination of the 1893 Chickasaw rolls now in the possession of this Commission fails to disclose the name of Sallie Williams, or Sallie Kimball, on said rolls.

You are further informed that the application for the enrollment of yourself and family was duly considered by this Commission, and on July 31, 1903, the Commission rendered its decision rejecting said application, and a copy of said decision was forwarded you on that date. That on April 8, 1904, the action of this Commission in rejecting said application was approved by the Secretary of the Interior, and on April 30, 1904, you and your attorneys were duly notified of such approval.

S.W. 2.

The Commission therefore considers your case closed.

Respectfully,

SIGNED *Tame Bixby.*
Chairman.

COPY.

Chickasaw R 22

Muskogee, Indian Territory, October 4, 1904.

Charles Cohoe,

Berwyn, Indian Territory,

Dear Sir:

I am in receipt of your letter of September 29, calling my attention to the enrollment case of Sallie Williams and her children and stating that they are entitled to enrollment as citizens by blood of the Chickasaw Nation as Angeline Porter, sister of Sallie Williams is a citizen of said nation.

In reply you are advised that I find that on July 31, 1903, the Commission to the Five Civilized Tribes rendered its decision refusing the application of Sallie Williams for the enrollment of herself and her five minor children as citizens by blood of the Chickasaw Nation and on April 8, 1904, the Secretary of the Interior affirmed this decision. This case is therefore considered closed.

Respectfully,

SIGNED *Tame Bixby.*

Chairman.

COPY.

19-437.

Wuskogee, Indian Territory, October 17, 1904.

Wilton Williams,

Katie, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of your children, Marcus, Cora, Kimble, Maise and Joe Williams, as Chickasaw freedmen, it will be necessary for you to furnish the Commission with either the original or a certified copy of the marriage license and certificate between you and Sallie Williams, the mother of said children.

You should give this matter your immediate attention as, until the evidence requested is received, the Commission can not determine the rights of said children as Chickasaw freedmen.

Respectfully,

SIGNED *Tame Dixby.*

Chairman.

COPY.

19-437

Muskogee, Indian Territory, April 24, 1905.

Wilton Williams,

Katie, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 15, 1905, asking whether it would be advisable to have your wife Sallie Williams appear before the Commission in the matter of the enrollment of herself and her children.

In reply to your letter you are informed that the names of your children Marcus, Cora Kimble, Maize, and Joe Williams, will probably be placed upon the next schedule of Chickasaw freedmen prepared for forwarding to the Secretary of the Interior.

Relative to the enrollment of your wife Sallie Williams as a citizen by blood of the Chickasaw Nation you are advised that her name not appearing on any of the tribal rolls of the Chickasaw Nation in possession of the Commission her application for enrollment as a citizen by blood of the Chickasaw Nation was on July 21, 1903, refused by the Commission and on April 8, 1904, this action of the Commission was approved by the Secretary of the Interior.

Respectfully,

SIGNED *Tame Bixby.*

Chairman.

9-R-22

COPY.

Muskogee, Indian Territory, December 27, 1905.

S. A. Apple,

Attorney at Law,

Ardmore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 20, 1905, inclosing petition of Sallie Williams et al., for enrollment as citizens of the Chickasaw Nation, and the same has been this day transmitted to the Secretary of the Interior for consideration in connection with this case.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

COPY.

Substitute

Muskogee, Indian Territory, December 27, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

On July 31, 1903, the Commission to the Five Civilized Tribes rendered its decision refusing the application for the enrollment of Sallie Williams and her children as citizens by blood of the Chickasaw Nation, which action was approved by the Secretary of the Interior, April 8, 1904.

I now have the honor to transmit herewith for the consideration of the Department in connection with this case, the petition of S. A. Apple for the enrollment of Sallie Williams and her minor children, Marcus, Cora, Kemble, Maize and Joe Williams, as citizens by blood of the Chickasaw Nation.

I have the honor to report that the children of Sallie Williams above referred to, Marcus, Cora, Kemble, Maize and Joe Williams, have been enrolled as Chickasaw freedmen and their enrollment as such approved by the Secretary of the Interior, on July 20, 1905, their names appearing upon the final roll of Chickasaw freedmen opposite Nos. 4618 to 4622, inclusive, respectively.

Respectfully,

9-2-28

Through the
Commissioner of Indian Affairs.

SIGNED

Tame Dixby.

Commissioner.

9-R-22

COPY.

Muskogee, Indian Territory, January 6, 1906.

Wilton Williams,

Katie, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 2, 1906, asking if the case of your wife Sallie Kimball Williams has been reopened.

In reply to your letter you are advised that on December 27, 1905, a petition of S. A. Apple for the enrollment of Sallie Williams and her children Marcus, Cora, Kemble, Maise and Joe Williams as citizens of blood of the Chickasaw Nation was transmitted to the Secretary of the Interior for consideration, but this office has not yet been advised of Departmental action thereon.

Respectfully,

SIGNED *Tams Parby.*

Commissioner.

COPY.

GR
LLB

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D. 8436, 9411,
16258-1905.
330-1906.

January 18, 1906.

D.C. 2853-1906.

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

April 8, 1904 (I.T.D.8436), the Department affirmed the decision of the Commission to the Five Civilized Tribes dated July 31, 1903, denying the application of Sally Williams for the enrollment of herself and her five minor children, Marcus, Cora, Kimble, Maise, and Joe Williams, as citizens by blood of the Chickasaw Nation.

July 14, 1904, the Department denied a motion for a rehearing therein, on the ground that B.C. Franklin, attorney for the moving party, had not been admitted to practice before the Department, and that the showing made in said motion did not warrant a rehearing.

September 19, 1905, S.T. Wiggins, Esq., submitted on behalf of applicants a motion for a reopening and rehearing, with affidavits and brief filed in support thereof, and on December 27, 1905, you transmitted petition of S.A. Apple, Esq., on behalf of applicants for a rehearing in the case. Both motions will be considered together.

It appears therefrom that Sally Williams, the principal applicant, born, reared, and residing in the Chickasaw Nation, is the daughter of Richard Kimble and Maulsey Kimble, nee Mahardy (now deceased). Sally Williams's mother was a full sister to Wyatt Mahardy, a one-half blood Chickasaw Indian, whose enrollment as Wyatt Mahardy appears opposite No. 2794, upon the roll of Chickasaws by blood approved December 12, 1902. Wyatt Mahardy and his deceased sister, Maulsey Kimble, nee Mahardy, the mother of applicant, are the children of Ann Thomas, a full-blood Chickasaw Indian woman, by her first husband, Mahardy, and it further appears that John Thomas, a child of Ann Thomas, by her second husband, Thomas, a white man, is also enrolled as a Chickasaw by blood. Ann Thomas's Indian name is variously given as Ishtonahie, alias Tenuahy, alias Stenila. Sally Williams herself is a full sister to Angeline Porter, a one-fourth blood Chickasaw Indian, and a half sister to Amanda Abram, a one-fourth blood Chickasaw woman, whose enrollments appear opposite No. 4933 upon the approved roll of March 14, 1905, and No. 1856 upon the approved roll of December 12, 1902, of Chickasaw citizens by blood, the aforementioned being the issue of the same mother, Maulsey Mahardy Kimble.

The evidence of Frazier McLish and Tecumseh A. McClure, officials of the Chickasaw Nation, tend to show that the name

of Sally Williams appeared upon the 1875 payment roll of the Chickasaw Nation and also upon a subsequent roll, but that said name was erased therefrom; that her parents drew two different payments for her, in stated amounts, and that her name was presented for enrollment upon the 1893 leased district payment roll to T.A. McClure, who, not having the proper book with him, made a memoranda thereof, which was mislaid and lost; that said official stated that he was not particular about getting her registered, as there was negro blood in the family.

It also appears that the name of Wilton Williams, husband of applicant, is enrolled opposite No. 1784 upon the Chickasaw freedman roll approved December 12, 1902, and that the children of applicant by the said Wilton Williams have, since the denial of their enrollment as Chickasaws by blood, been placed upon the Chickasaw freedman roll approved July 20, 1905, opposite Nos. 4618 to 4623, inclusive. Request is made that their names be transferred from the freedman roll to the roll of Chickasaws by blood. In your report thereon, you are requested to state under what authority said enrollment was made and transmit the record in the matter.

The Department is of opinion that a full hearing in this case should be had upon the merits, and diligent search be made

to ascertain whether the name of Sally Williams can be identified as having been erased from any of the Chickasaw rolls in your possession, and that after a full investigation of the facts complained of that the case be readjudicated. The record, with the affidavits used on motion for rehearing, is returned for that purpose, of which you will notify applicants accordingly.

Respectfully,

(Signed) Thos Ryan,

First Assistant Secretary.

8 inclosures.

COPY.

Muskogee, Indian Territory, January 24, 1906.

Sallie Williams,

Katie, Indian Territory.

Dear Madam:

You are hereby advised that on January 18, 1906, the Secretary of the Interior, with the return of the record in the matter of the application for the enrollment of yourself and your five minor children, Marcus, Cora, Kimble, Maise and Joe Williams, as citizens by blood of the Chickasaw Nation, expresses the opinion that a full hearing upon the merits of the case should be granted the applicants and the case readjudicated in the light of such additional evidence as might be presented.

You are hereby advised that the Commissioner to the Five Civilized Tribes, in conformity with the instructions of the Secretary of the Interior will, at his office at Muskogee, Indian Territory, on Monday, February 5, 1906, at 11 o'clock A. M., hear such testimony and receive such other evidence as may be presented by you in reference to the right of yourself and your minor children to enrollment as citizens by blood of the Chickasaw Nations.

Respectfully,

SIGNED *Wm. C. Beall.*

Acting Commissioner.

COPY.

Muskogee, Indian Territory, January 24, 1906.

S. A. Apple,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

There is enclosed you herewith for your information, copy of Departmental letter of January 18, 1906 (I.T.D. 8436, 9411, 16258-1905, 330-1906), returning to the Commissioner to the Five Civilized Tribes the record in the matter of the application of Ballie Williams and her five minor children, Marcus, Cora, Kimble, Maise and Joe Williams as citizens by blood of the Chickasaw Nation.

The Department expresses the opinion that a full hearing in this case should be had upon the merits and diligent search be made to ascertain whether the name of Sally Williams can be identified as having been erased from any of the Chickasaw rolls in the possession of this office and that after a full investigation of the facts complained of, the case be readjudicated.

You are hereby advised that in conformity with the instructions of the Secretary of the Interior, the Commissioner to the Five Civilized Tribes will, at his office at Muskogee, Indian Territory, on Monday, February 5, 1906, at 11 o'clock A. M., hear such testimony as may be submitted by Ballie Williams or by the attorneys for

(2)

the Choctaw and Chickasaw Nations, in reference to the right to enrollment of Sallie Williams and her five minor children as citizens of the Chickasaw Nation.

Respectfully,

SIGNED

Wm. O. Beall.

Acting Commissioner.

OP 24-12

COPY

Muskogee, Indian Territory, January 24, 1906.

B. C. Franklin,

Springer, Indian Territory.

Dear Sir:

There is enclosed you herewith for your information, copy of Departmental letter of January 18, 1906 (I. T. D. 8436, 9411, 16258-1905, 330-1906), returning to the Commissioner to the Five Civilized Tribes the record in the matter of the application of Sallie Williams and her five minor children, Marcus, Cora, Kimble, Maise and Joe Williams as citizens by blood of the Chickasaw Nation.

The Department expresses the opinion that a full hearing in this case should be had upon the merits and diligent search be made to ascertain whether the name of Sally Williams can be identified as having been erased from any of the Chickasaw rolls in the possession of this office and that after a full investigation of the facts complained of, the case be readjudicated.

You are hereby advised that in conformity with the instructions of the Secretary of the Interior, the Commissioner to the Five Civilized Tribes will, at his office at Muskogee, Indian Territory, on Monday, February 5, 1906, at 11 o'clock A. M., hear such testimony as may be submitted by Sallie Williams or by the attorneys for

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(2)

the Choctaw and Chickasaw Nations, in reference to the right to enrollment of Sallie Williams and her five minor children as citizens of the Chickasaw Nation.

Respectfully,

SIGNED *Wm. O. Beall.*

Acting Commissioner.

OP 24-10

COPY

Muskogee, Indian Territory, January 24, 1906.

S. T. Wiggins,
Ardmore, Indian Territory.

Dear Sir:

There is enclosed you herewith, for your information, copy of Departmental letter of January 18, 1906 (I.T.D. 8436, 9411, 16258-1905, 330-1906), returning to the Commissioner to the Five Civilized Tribes the record in the matter of the application of Sallie Williams and her five minor children, Marcus, Cora, Kimble, Maise and Jow Williams as citizens by blood of the Chickasaw Nation.

The Department expresses the opinion that a full hearing in this case should be had upon the merits and diligent search be made to ascertain whether the name of Sally Williams can be identified as having been erased from any of the Chickasaw rolls in the possession of this office and that after a full investigation of the facts complained of, the case be readjudicated.

You are hereby advised that in conformity with the instructions of the Secretary of the Interior, the Commissioner to the Five Civilized Tribes will, at his office at Muskogee, Indian Territory, on Monday, February 5, 1906, at 11 o'clock A. M., hear such testimony as may be submitted by Sallie Williams or by the attorneys for

(2)

the Choctaw and Chickasaw Nations, in reference to the right to enrollment of Ballie Williams and her five minor children as citizens of the Chickasaw Nation.

Respectfully,

SIGNED *Wm. O. Deall.*

OP 24-11

Acting Commissioner.

COPY

Muskogee, Indian Territory, January 24, 1906.

Wansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is enclosed you herewith for your information, copy of Departmental letter of January 18, 1906 (I.T.D. 8436, 9411, 16258-1905, 330-1906), returning to the Commissioner to the Five Civilized Tribes the record in the matter of the application of Sallie Williams and her five minor children, Marcus, Cora, Kimble, Maise and Joe Williams as citizens by blood of the Chickasaw Nation.

The Department expresses the opinion that a full hearing in this case should be had upon the merits and diligent search be made to ascertain whether the name of Sally Williams can be identified as having been erased from any of the Chickasaw rolls in the possession of this office and that after a full investigation of the facts complained of, the case be readjudicated.

You are hereby advised that in conformity with the instructions of the Secretary of the Interior, the Commissioner to the Five Civilized Tribes will, at his office at Muskogee, Indian Territory, on Monday, February 5, 1906, at 11 o'clock A. M., hear such testimony as may be submitted by Sallie Williams or by the attorneys for

(2)

the Choctaw and Chickasaw Nations, in reference to the right of enrollment of Sallie Williams and her five minor children as citizens of the Chickasaw Nation.

Respectfully,

SIGNED *Wm. O. Beall.*

OP 24-13

Acting Commissioner.

COPY

Yuskogee, Indian Territory, February 17, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to acknowledge receipt of Departmental letter of January 18, 1906 (I.T.D. 8436, 9411, 16258-1905, 330-1906), remanding the record in the matter of the application for the enrollment of Sallie Williams and her five minor children, Marcus Williams, Cora Williams, Kimble Williams, Maize Williams and Joe Williams as citizens by blood of the Chickasaw Nation, with instructions that a full hearing be had in the case on the merits and diligent search be made to ascertain whether the name of Sallie Williams can be identified as having been erased from any of the Chickasaw tribal rolls in the possession of the Commissioner to the Five Civilized Tribes, and that after a full investigation of the facts complained of, the case be readjudicated.

The Department also desires a report stating upon what authority the minor applicants, Marcus Williams, Cora Williams, Kimble Williams, Maize Williams and Joe Williams were enrolled as Chickasaw freedmen.

A decision was rendered by the Commission to the Five Civilized Tribes on July 31, 1903, refusing the application made

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for the enrollment of Sallie, Marcus, Cora, Kimble, Maize and Joe Williams as citizens by blood of the Chickasaw Nation, which was affirmed by the Secretary of the Interior April 8, 1904 (I.T.D. 8436-1903).

The Department on July 14, 1904 (I.T.D. 8436-1903, 8508-1904), denied a motion for a rehearing in the case, submitted by E. C. Franklin, for the reason that he had not been admitted to practice before the Department and that the showing made in said motion did not warrant a rehearing.

A subsequent motion for rehearing was filed with the Department on September 19, 1905, by S. T. Wiggins, with affidavits and brief attached thereto, and December 27, 1905, S. A. Apple, of Ardmore, Indian Territory, transmitted a petition on behalf of the applicants.

These various petitions and the affidavits attached thereto allege that Sallie Williams, the principal applicant, was born in the Chickasaw Nation, where she has since resided; that she is the daughter of Richard Kimble and Maudsey Kimble, nee Mahardy, now deceased; that her mother was a full sister of Wyatt Mahardy, a half-blood Chickasaw Indian, whose name appears upon the final roll of the citizens by blood of the Chickasaw Nation opposite No. 2794; that the said Wyatt Mahardy and his deceased sister, Maudsey Kimble, nee Mahardy, are the children of Ann Thomas, a full blood Chickasaw

3.

woman, by her first husband, Mahardy; that Sallie Williams is a full sister of Angeline Porter, whose name appears upon the final roll of the citizens by blood of the Chickasaw Nation opposite No. 4933, and a half sister of Amanda Abram, whose name appears upon the final roll of the citizens by blood of the Chickasaw Nation, opposite No. 1856.

It is further claimed that the name of Sallie Williams, the principal applicant, appears upon the 1876 annuity payment roll of the Chickasaw Nation, and also upon a subsequent roll, but that her name was erased therefrom and that her name was presented for enrollment upon the 1893 Chickasaw leased district payment roll to Tecumseh A. McClure, who, not having the proper book with him, made a memorandum thereof which was mislaid and lost.

In conformity with the Department's instructions, Sallie Williams, Katie, Indian Territory, S. A. Apple, Ardmore, Indian Territory, B. C. Franklin, Springer, Indian Territory, and S. T. Wiggins, Ardmore, Indian Territory, her attorneys of record, and Messrs. Mansfield, McMurray & Cornish, the attorneys for the Cherokee and Chickasaw Nations, South McAlester, Indian Territory, were advised that the Commissioner to the Five Civilized Tribes would, at his office at Muskogee, Indian Territory, on Monday, February 3, 1906, at 11 o'clock A. M., hear such testimony as might be submitted in reference to the right to enrollment of Sallie Williams and her

4.

five minor children as citizens by blood of the Chickasaw Nation.

At the time set for said hearing, the principal applicant was present in person and was represented by Virt Franklin, of Apple & Franklin, attorneys for the petitioner. The Choctaw and Chickasaw Nations were represented by G. Rosenwinkel, of Mansfield, McMurray & Gornish.

At the hearing had before the Commissioner on February 5, 1906, the testimony of the principal applicant, Sallie Williams, and of witnesses, Richard Kimble, Charles Cohoe and Joe Williams, was submitted.

I have the honor to return herewith the original record in the matter of the application for the enrollment of Sallie Williams and her five minor children as citizens by blood of the Chickasaw Nation, the motions for rehearing and the affidavits and other papers attached thereto, transmitted with Departmental letter of January 18, 1906, and a copy of the proceedings had before the Commissioner to the Five Civilized Tribes on February 5, 1906.

It is to be noted in the petition for rehearing, mention is made of a child of the principal applicant, Sallie Williams, by the name of Lyman Williams. Sallie Williams also states in her testimony of February 5, 1906, that she has a child younger than Joe, by the name of Lyman, who is now about a year old.

In reference to this child it does not appear that any application has ever been made for his enrollment either as a citizen

8.

by blood of the Chickasaw Nation or as a Chickasaw freedman, and as there is no authority for now receiving or considering any application for the enrollment of said child, his rights, if any, to enrollment as a citizen of the Chickasaw Nation or as a Chickasaw freedman will not be further discussed in this communication.

I am of the opinion that the testimony transmitted conclusively shows that the principal applicant, Sallie Williams, is the daughter of Richard Kimble, a non-citizen negro and of Maulsey Kimble, nee Mahardy, now deceased, who was possessed of both Chickasaw and negro blood; also that she is a full sister of Angeline Porter and a half sister of Amanda Abram, by the same mother, both of whom have been enrolled as citizens by blood of the Chickasaw Nation.

The record will also disclose that in the year 1878, there was paid to one "Rennie" \$9.50 each for Richard Kimble and his wife, Maulsey, and three children, and that the name of said Richard Kimble appears upon Captain Henderson Greenwood's Annuity Roll of December 19, 1878, as the head of a family of five, opposite No. 209 upon said roll.

It appears that this payment of \$9.50 in 1878, is the only tribal recognition of Sallie Williams as a citizen of the Chickasaw Nation. While it is alleged and insisted that a payment of \$16.50 was made to Sallie Kimble in 1878, this office has not

6.

been able to secure any records from the Chickasaw tribal authorities showing the payment of a \$16.80 annuity made to the citizens of the Chickasaw Nation in 1875.

The name of Sallie Williams does not appear upon the 1893 Chickasaw leased district payment roll, or the 1896 census roll of the citizens of the Chickasaw Nation.

In reference to the enrollment of the minor applicants, Marcus, Cora, Kimble, Maise and Joe Williams, as Chickasaw freedmen, I have the honor to report that after the affirmation by the Department on April 8, 1904, of the decision of the Commission to the Five Civilized Tribes of July 31, 1903, a decision was rendered on June 13, 1905, enrolling the applicants as Chickasaw freedmen by reason of the fact that they are the children of Wilton Williams, a recognized and enrolled Chickasaw freedman, whose name appeared upon the final roll of Chickasaw freedmen approved by the Secretary of the Interior, opposite No. 1784. A copy of the proceedings in reference to the enrollment of said children as Chickasaw freedmen is also herewith transmitted.

The names of the children were subsequently included upon a schedule of Chickasaw freedmen which was approved by the Secretary of the Interior July 20, 1905, their names appearing upon said schedule as follows:

4618 Marcus Williams
4619 Cora Williams
4620 Kimble Williams
4621 Maise Williams
4622 Joe Williams.

7.

I have further to report that allotments were selected for said children as Chickasaw freedmen by their father, Wilton Williams, at the Chickasaw Land Office on September 20, 1905, and that Chickasaw freedmen allotment certificates Nos. 4775, 4776, 4777, 4778, 4779 and 4780 have been prepared, executed and delivered to Wilton Williams for said selections.

There is a strong probability that during her lifetime, Maulsey Kimble, the mother of the applicant, Sallie Williams, was a recognized citizen of the Chickasaw Nation and that she was enrolled by the tribal authorities and participated in the payments of annuities made to the citizens of the Chickasaw Nation.

The principal applicant in this case, Sallie Williams, is now, according to her own testimony, about 30 or 32 years of age, and has never, in any manner whatsoever, been recognized as a citizen of the Chickasaw Nation since the payment of \$9.50 made to Maulsey Kimble and the members of her family in 1876. At the time this payment was made, the applicant, Sallie Williams, could not have been over five or six years of age and considering the lax methods then in vogue in the payment of moneys to the citizens of the Chickasaw Nation, I do not consider that this annuity payment made in 1876 should be conclusive to the establishment of the applicant's citizenship in the Chickasaw Nation.

Her full sister, Angeline Porter, was at one time married to a Chickasaw Indian named George Pitchlynn and continued her

8.

tribal relationship, being recognized by the authorities as a citizen of the Chickasaw Nation and participating in the 1893 leased district payment.

I am of the opinion that the absolute absence of tribal recognition of the applicant, Sallie Williams, since 1878, cannot be considered otherwise than as a repudiation by the tribal authorities of her right to enrollment as a citizen of the Chickasaw Nation and that she is not such a person as was contemplated by the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), to be entitled to enrollment as a citizen by blood of the Chickasaw Nation.

I have therefore in conclusion to respectfully recommend that the original decision of the Commission to the Five Civilized Tribes of July 31, 1903, refusing the application for the enrollment of Sallie Williams, Marcus Williams, Cora Williams, Kimble Williams, Maise Williams and Joe Williams as citizens by blood of the Chickasaw Nation be adhered to, and that the enrollment of the minor children, Marcus Williams, Cora Williams, Kimble Williams, Maise Williams, and Joe Williams as Chickasaw freedmen be permitted to stand and that the allotments made to them as such freedmen on September 20, 1905, be not disturbed.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

Through the
Commissioner of Indian Affairs.

BFS 17/1

COPY.

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DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D. 8436, 9411,
16268-1905.
330-1906.

January 18, 1906.

D.C. 2353-1906.

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

April 8, 1904 (I.T.D. 8436), the Department affirmed the decision of the Commission to the Five Civilized Tribes dated July 31, 1903, denying the application of Sally Williams for the enrollment of herself and her five minor children, Marcus, Gera, Kimble, Maisie, and Joe Williams, as citizens by blood of the Chickasaw Nation.

July 14, 1904, the Department denied a motion for a rehearing therein, on the ground that E.C. Franklin, attorney for the moving party, had not been admitted to practice before the Department, and that the showing made in said motion did not warrant a rehearing.

September 19, 1905, S.T. Wiggins, Esq., submitted on behalf of applicants a motion for a reopening and rehearing, with affidavits and brief filed in support thereof, and on December 27, 1905, you transmitted petition of S.A. Apple, Esq., on behalf of applicants for a rehearing in the case. Both motions will be considered together.

It appears therefrom that Sally Williams, the principal applicant, born, reared, and residing in the Chickasaw Nation, is the daughter of Richard Kimble and Maulsey Kimble, nee Mahardy (now deceased). Sally Williams's mother was a full sister to Wyatt Mahardy, a one-half blood Chickasaw Indian, whose enrollment as Wyatt Mahardy appears opposite No. 2794, upon the roll of Chickasaws by blood approved December 12, 1902. Wyatt Mahardy and his deceased sister, Maulsey Kimble, nee Mahardy, the mother of applicant, are the children of Ann Thomas, a full-blood Chickasaw Indian woman, by her first husband, Mahardy, and it further appears that John Thomas, a child of Ann Thomas, by her second husband, Thomas, a white man, is also enrolled as a Chickasaw by blood. Ann Thomas's Indian name is variously given as Ishtenahie, alias Tenuahy, alias Stoniha. Sally Williams herself is a full sister to Angeline Porter, a one-fourth blood Chickasaw Indian, and a half sister to Amanda Abram, a one-fourth blood Chickasaw woman, whose enrollments appear opposite No. 4933 upon the approved roll of March 14, 1905, and No. 1856 upon the approved roll of December 12, 1902, of Chickasaw citizens by blood, the aforementioned being the issue of the same mother, Maulsey Mahardy Kimble.

The evidence of Frazier McLish and Tecumseh A. McClure, officials of the Chickasaw Nation, tend to show that the name

of Sally Williams appeared upon the 1878 payment roll of the Chickasaw Nation and also upon a subsequent roll, but that said name was erased therefrom; that her parents drew two different payments for her, in stated amounts, and that her name was presented for enrollment upon the 1893 leased district payment roll to T.A. McClure, who, not having the proper book with him, made a memorandum thereof, which was mislaid and lost; that said official stated that he was not particular about getting her registered, as there was negro blood in the family.

It also appears that the name of Wilton Williams, husband of applicant, is enrolled opposite No. 1784 upon the Chickasaw freedman roll approved December 12, 1902, and that the children of applicant by the said Wilton Williams have, since the denial of their enrollment as Chickasaws by blood, been placed upon the Chickasaw freedman roll approved July 20, 1905, opposite Nos. 4618 to 4622, inclusive. Request is made that their names be transferred from the freedman roll to the roll of Chickasaws by blood. In your report thereon, you are requested to state under what authority said enrollment was made and transmit the record in the matter.

The Department is of opinion that a full hearing in this case should be had upon the merits, and diligent search be made

to ascertain whether the name of Baby Williams can be identified as having been erased from any of the Chicagoer rolls in your possession, and that after a full investigation of the books completed if that the case be rejudicated. The record, with the affidavits used in motion for rehearing, is returned for that purpose, of which you will notify applicants accordingly.

Respectfully,

(Signed) Theo Rym,

First Assistant Secretary.

2 Enclosures.

G.R.

DEPARTMENT OF THE INTERIOR, LIE
WASHINGTON.

I.T.D.5840-1906.

April 26, 1906.

D. C. 15060

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

For use in the adjudication of the application for the enrollment of Sallie Williams and her five minor children as citizens by blood of the Chickasaw Nation, you are requested to report to the Department whether the names of either Maulsey Kimble or Sallie Williams appear upon any of the Chickasaw tribal rolls in your possession, whether the records of your office show that Sallie Williams was one of the three children of Richard Kimble and Maulsey Kimble in whose behalf a payment of \$9.50 for each of said children was made to Richard Kimble from the annuity pay roll of 1878, and whether the name of Richard Kimble, the father, is the only name of the Kimble family appearing upon any of the Chickasaw tribal rolls in your possession.

Respectfully,

Thos. Ryan.

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

Muskogee, Indian Territory, August 2, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of Departmental letters of April 24, 1904, and July 10, 1904 (5840-1904), requesting a report as to whether the names of Maudsey Kimble or Sallie Williams appear upon any of the Chickasaw tribal rolls in the possession of this office; whether the records show that Sallie Williams was one of the three children of Richard and Maudsey Kimble in whose behalf a payment of \$9.50 for each of said children was made to Richard Kimble from the annuity pay roll of 1878, and whether the name of Richard Kimble is the only name of the Kimble family appearing upon any of the Chickasaw tribal rolls in the possession of this office.

I have the honor to report in this matter that the name of Richard (Richmond) Kimble appears upon the 1878 annuity roll of the Chickasaw Nation, Tishomingo County. It appears from said roll that he was the head of a family at that time, and that he had a wife and three female children, making a total number in his family of five persons for whom the payment was drawn by one Rennie.

The name of Angeline Pitchlynn, child of Richard Kimble and

Sec. of Int. - - - (2)

Maulsey Kimble, appears upon the ~~the~~ Chickasaw 1893 Leased District Payment Roll Number Two, and she has been enrolled as a citizen by blood of the Chickasaw Nation under the name of Angeline Porter, and her name appears at Number 4933 upon said roll.

I have further to report that the name of Mandy Abram, child of Maulsey Mahardy (Kimble), mother of Angeline Porter and Steve Stephenson, appears upon the 1893 Leased District Payment Roll Number Two of the Chickasaw Nation, and also upon the 1896 Chickasaw Census Roll, Pickens County, and her name appears at Number 1253 upon the approved roll of citizens by blood of the Chickasaw Nation.

I have further to report that the names of Maulsie Kimble or Maulsie Mahardy and Sallie Williams or Sallie Kimble are not found upon the Chickasaw tribal rolls in the possession of this office.

Respectfully,

Through the Commissioner
of Indian Affairs.

Commissioner.

9-E-22

Muskogee, Indian Territory, August 2, 1906.

S. T. Williams,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 6, 1906, asking the status of Chickasaw enrollment case of Sallie Williams, et al. and requesting to be advised the name of the counsel appearing in your absence.

In reply you are advised that the application of Sallie Williams for the enrollment of herself and her children as citizens by blood of the Chickasaw Nation is now pending before the Department.

You are further advised that it appears on the hearing in this case, February 5, 1906, the applicant was represented by Apple and Franklin.

Respectfully,

Commissioner.

9-R-22

Muskogee, Indian Territory, September 1, 1906.

Sallie Kimbale Williams,

Katie, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of August 27, 1906, asking the status of your case.

In reply to your letter you are advised that the application for the enrollment of yourself and your children as citizens by blood of the Chickasaw Nation is pending before the Department and you will be notified of such action as is taken therein.

Respectfully,

Acting Commissioner.

9-R-22.

Muskogee, Indian Territory, September 5, 1906.

S. A. Apple,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 30, 1906, relative to the application for the enrollment of Sallie Williams, et al., as citizens of the Chickasaw Nation, wherein you request that early action be taken thereon.

Relative thereto you are advised that said application is now receiving the consideration of the Department, the record in said case having been forwarded by this office on February 17, 1906.

Respectfully,

Acting Commissioner.

9-R-22

Muskogee, Indian Territory, September 13, 1906.

S. A. Apple,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 6, 1906, in which you ask if any decision was rendered by the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Sallie Williams et al. subsequent to the hearing had February 5, 1906, and if so that you be furnished a copy thereof.

In reply to your letter you are advised that on February 17, 1906, the record in the matter of the application for the enrollment of Sallie Williams et al. as citizens by blood of the Chickasaw Nation was returned to the Department with report thereon, but no formal decision was rendered.

Respectfully,

Commissioner.

9-R-22

Muskogee, Indian Territory, October 1, 1906.

S. A. Apple,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 18, 1906, asking that you be furnished with a copy of the report made to the Department by this office on February 17, 1906.

In reply to your letter you are advised that it is impracticable to comply with your request for a copy of said report.

Respectfully,

Commissioner.

C R W

DEPARTMENT OF THE INTERIOR, S.P.

WASHINGTON.

D.C. 9663-1907.
I.T.D. 5840-1906.
15434-1906.

LRS

February 15, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On April 8, 1904, the Department affirmed the decision of the Commission to the Five Civilized Tribes of July 31, 1903, adverse to the applicants in the matter of the application for the enrolment of Sallie, Marcus, Cora, Kimble, Maise and Joe Williams, as citizens by blood of the Chickasaw Nation.

On January 18, 1906, the case was remanded and you were directed to hold a hearing upon the merits and to make a diligent search in order to ascertain whether the name of Sallie Williams could be identified as having been erased from any of the Chickasaw rolls in your possession.

April 26, 1906, you were requested to report to the Department whether the names of Maulsey Kimble or Sallie Williams appear on any of the Chickasaw tribal roll in your possession.

The Department also requested a report as to the basis of the authority under which the minor applicants, Marcus William, Cora Williams, Kimble Williams, Maise Williams, and Joe Williams, were enrolled as Chickasaw freedmen:

In view of the fact that the applicant Sallie Williams has not been shown to have had any tribal recognition since 1878, you recommended that the original decision of the Commission to the Five Civilized Tribes of July 31, 1903, be adhered to and that the enrollment of the children Marcus Williams, Cora Williams, Kimble Williams, Maise Williams, and Joe Williams, as Chickasaw freedmen be permitted to stand.

The Indian Office makes no recommendation in the matter of the enrollment.

The Department concurs in your conclusion and your decision, refusing to enroll the applicants as citizens by blood of the Chickasaw Nation, is affirmed and the enrollment of the above named minor children as Chickasaw freedmen will be permitted to stand, as recommended by you.

A copy of Indian Office letter is inclosed.

-3-

The papers in the case have been sent to the Indian
Office with a carbon copy hereof.

Respectfully,

Thos Ryan

First Assistant Secretary.

1 inc. and
7 to Ind. Of.

AFMc

2-18-07

(C O P Y)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

Land
18270-1906.

April 6, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a letter of February 17, 1906, from the Commissioner to the Five Civilized Tribes, in which he acknowledges the receipt of Departmental letter of January 18, 1906 (I. T.D. 8436, 9411, 16258-1905, 330-1906), remanding the record in the matter of the application for the enrollment of Sallie Williams, and her five minor children, Marcus Williams, Cora Williams, Kimble Williams, Maise Williams, and Joe Williams, as citizens by blood of the Chickasaw Nation, with instructions that a full hearing be had in the case on its merits, and diligent search be made to ascertain whether the name of Sallie Williams can be identified as having been erased from the roll of the Chickasaw tribal rolls in the office of the Commissioner to the Five Civilized Tribes, and that after a full investigation of the facts complained of, the case be readjudicated.

He quotes the Department as also desiring a report on the basis of the authority under which the minor applicants, Marcus Williams, Cora Williams, Kimble Williams, Maise Williams, and Joe Williams, were enrolled as Chickasaw freedmen.

The Commissioner reports that a decision was rendered by the Commission to the Five Civilized Tribes on July 31, 1903, refusing the application made for the enrollment of Sallie, Marcus, Cora, Kimble, Maise and Joe Williams, as citizens by blood of the Chickasaw Nation, which was affirmed by the Department on April 8, 1904 (I.T.D. 8436-1903).

The Department on July 14, 1904 (I. T. D. 8436-1903, 5505-1904), denied a motion for rehearing in the case submitted by B. C. Franklin, for the reason that he had not been admitted to practice before the Department, and that the showing made in the motion did not warrant a rehearing.

He also says that a subsequent motion for rehearing was filed with the Department on September 19, 1905, by S. T. Wiggins, with affidavits and brief attached thereto, and on December 27, 1905, S. A. Apple, of Ardmore, transmitted a petition on behalf of the applicants. The Commissioner further says that these various petitions and the affidavits attached thereto allege that Sallie Williams, the principal applicant, was born in the Chickasaw Nation, where she has since resided; that she is the daughter of Richard Kimble and Maulsey Kimble nee Mahardy, now deceased; that her mother was a full sister of Wyatt Mahardy, a half blood Chickasaw Indian, whose name appears on the final roll of the citizens by blood of the Chickasaw Nation, opposite No. 2794; that Wyatt Mahardy and his deceased sister, Maulsey Kimble, nee Mahardy, are the children of Ann Thomas, a full blood Chickasaw woman, by her first husband, Mahardy; that Sallie Williams is a full sister of Angeline Porter,

whose name appears on the final roll of citizens by blood of the Chickasaw Nation, opposite No. 4933, and a half sister of Amanda Abram, whose name appears on the final roll of citizens by blood of the Chickasaw Nation, opposite No. 1856.

The Commissioner finds that it is claimed that the name of Sallie Williams, the principal applicant, appears on the 1875 annuity payment roll of the Chickasaw Nation, and also on a subsequent roll, but that her name was erased therefrom, and that her name was presented for enrollment on the 1893 Chickasaw leased district payment roll, to Tecumseh A. McClure, who, not having the proper book with him, made a memorandum thereof which was mislaid and lost.

In conformity with the Department's instructions, Sallie Williams, of Katie Indian Territory, S. A. Apple, of Ardmore, B. C. Franklin of Springer, S. W. Wiggins, of Ardmore, her attorneys of record, and Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations at South McAlester, were advised by the Commissioner that he would at his office at Muskogee, on Monday, February 5, 1906, at 11 o'clock A. M., hear such testimony as might be submitted in reference to the right to enrollment of Sallie Williams and her five minor children, as citizens by blood of the Chickasaw Nation, and he says that at the time set for the hearing, the principal applicant was present in person and was represented by Wirt Franklin, of Apple & Franklin, attorneys for the petitioner, and that the Choctaw and Chickasaw Nations were represented by G. Rosenwinkel, of Mansfield, McMurray & Cornish.

At this hearing, on February 5, the Commissioner says that the testimony of the principal applicant, Sallie Williams, and of witnesses Richard Kimble, Charles Cohee and Joe Williams was submitted.

Mr. Bixby returns the original record in the case, the motion for rehearing, the affidavits and other papers attached thereto, transmitted with Departmental letter of January 18, 1906, and a copy of the proceedings had before the Commissioner to the Five Civilized Tribes on February 5, 1906, and he says that it is to be noted that in the petition mention is made of a child of the principal applicant, Sallie Williams, by the name of Lyman Williams, and that Sallie Williams also says, in her testimony of February 5, 1906, that she has a child younger than Joe by the name of Lyman, who is now about a year old.

Concerning this child the Commissioner says that it does not appear that any application has ever been made for his enrollment either as a citizen by blood of the Chickasaw Nation or as a Chickasaw freedman, and that as there is no authority for now receiving or considering any application for the enrollment of the child, his rights, if any, to enrollment, as a citizen of the Chickasaw Nation or as a Chickasaw freedman will not be further discussed in this communication.

He expresses himself as being of the opinion that the testimony transmitted conclusively shows that the principal applicant, Sallie Williams, is a daughter of Richard Kimble, a non-citizen negro, and of Mausey Kimble, nee Mahardy, now

deceased, who was possessed of both Chickasaw and negro blood; also that she is a full sister of Angeline Porter, and a half sister of Amanda Abram, by the same mother, both of whom have been enrolled as citizens by blood of the Chickasaw Nation.

He adds that the record will also disclose that in the year 1878, there was paid to one Rennie, \$9.50 each for Richard Kimble and his wife, Maulsey, and three children, and that the name of Richard Kimble appears on Captain Henderson Greenwood's annuity roll of December 18, 1878, as the head of a family of five, opposite No. 209 on the roll.

He further reports that it appears that this payment of \$9.50 in 1878 is the only tribal recognition of Sallie Williams as a citizen of the Chickasaw Nation; that while it is alleged and insisted that a payment of \$16.50 was made to Sallie Kimble in 1875, his office has not been able to secure any records from the Chickasaw tribal authorities showing the payment of a \$16.50 annuity, made to the citizens of the Chickasaw Nation in 1875.

He finds that the name of Sallie Williams does not appear on the 1893 Chickasaw leased district payment roll, or the 1896 census roll of the citizens of the Chickasaw Nation.

In reference to the enrollment of the minor applicants, Marcus, Cora, Kimble, Maise and Joe Williams as Chickasaw freedmen, the Commissioner reports that after the affirmation by the Department, on April 8, 1904, of the decision of the Commission to the Five Civilized Tribes, of July 31, 1903, a

decision was rendered, on June 13, 1905, enrolling the applicants as Chickasaw freedmen, by reason of the fact that they are the children of Wilton Williams, a recognized and enrolled Chickasaw freedman, whose name appeared on the final roll of Chickasaw freedmen, approved by the Department opposite No. 1784. A copy of the proceedings in connection with the enrollment of these children as Chickasaw freedmen is enclosed.

The Commissioner further says that the names of the children were subsequently included in a schedule of Chickasaw freedmen, which was approved by the Department on July 20, 1905, their names appearing on the schedule as follows:

No. 4618, Marcus Williams	"
No. 4619, Cora	"
No. 4620, Kimble	"
No. 4621, Maiss	"
No. 4622, Joe	"

that subsequently allotments were selected for these children as Chickasaw freedmen by their father, Wilton Williams, at the Chickasaw Land Office, September 20, 1905, and that Chickasaw freedmen allotment certificates, Nos. 4775, 4776, 4777, 4778, 4779 and 4780 have been prepared, executed and delivered to Wilton Williams covering the selections.

The Commissioner expresses himself as believing that there is a strong probability that during her lifetime, Maiss Kimble, the mother of the applicant, Ballie Williams, was a recognized citizen of the Chickasaw Nation, and that she was enrolled by the tribal authorities and participated in the payment of annuities made to the citizens of the Chickasaw Nation; that Ballie Williams, is now according to her own testimony, about 30 or 32 years of age, and has never in any manner what-

soever been recognized as a citizen of the Chickasaw Nation since the payment of \$9.50 made to Maulsey Kimble and the members of her family in 1878; that at the time this payment was made, the applicant, Sallie Williams, could not have been over five or six years of age, and considering the lax methods then in vogue in the payment of moneys to the citizens of the Chickasaw Nation, Mr. Bixby does not consider that this annuity payment made in 1878 could be conclusive to the establishment of the applicant's citizenship in the Chickasaw Nation. He further adds that her full sister, Angeline Porter was at one time married to a Chickasaw Indian named George Pitchlynn and continued her tribal relationship, being recognized by the tribal authorities as a citizen of the Chickasaw Nation and participating in the 1893 leased district payment.

Finally, the Commissioner says that he is of the opinion that the entire absence of tribal recognition of the applicant, Sallie Williams since 1878 cannot be considered otherwise than as a repudiation by the tribal authorities of her right to enrollment as a citizen of the Chickasaw Nation, and that she is not such a person as was contemplated by the provisions of the act of Congress, approved June 28, 1898 (30 Stats., 495), to be entitled to enrollment as a citizen by blood of the Chickasaw Nation.

He recommends that the original decision of the Commission to the Five Civilized Tribes, of July 31, 1903, refusing the application for the enrollment of Sallie Williams, Marcus Williams, Cora Williams, Kimble Williams, Maise Williams and Joe Williams, as citizens by blood of the Chickasaw Nation, be

adhered to, and that the enrollment of the minor children, Marcus Williams, Cera Williams, Kimble Williams, Maise Williams, and Joe Williams, as Chickasaw freedmen, be permitted to stand, and that the allotments made to them as such freedmen, on September 20, 1905, be not disturbed.

The evidence in the case clearly shows the fact to be that Sallie Williams is a daughter of Maulsey Kimble, whose mother was Ann Thomas, a Chickasaw Indian, whose name was sometimes given as Ishtomabic and as Stenaihs. It is fairly well established that in 1878, a payment was made to Richard Kimble, the father of Sallie Williams, and her mother, Maulsey Kimble, in behalf of themselves and three children, of \$9.50 each. Sallie Williams was a member of the family at that time and it may be susceptible of proof that one of the amounts of \$9.50 was paid in her behalf. Her name is apparently not to be found on any tribal roll, but the evidence seems to establish the Chickasaw ancestry of Sallie Williams and of her children, although it is not sufficiently clear on the question of her enrollment or that of her mother and grandmother. Without further information concerning the question as to whether the tribal rolls contain the name of Maulsey Kimble or Sallie Williams, and whether Sallie Williams, was one of the three unnamed children of Richard and Maulsey Kimble, in behalf of whom the payment was made in 1878, I will be unable to make a recommendation in this case, and it is respectfully recommended that the Commissioner to the Five Civilized Tribes be instructed to report the facts with reference to the enrollment of Maulsey Kimble.

and Sallie Williams, as shown by the records in his possession, and that he also be directed to advise the Department whether the name of Maudsey Kimble or Sallie Williams is found on the annuity payment roll of 1878, or whether the only name of the Kimball family appearing thereon is that of Richard Kimball, who was then the head of the family.

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

9-R-22

Muskogee, Indian Territory, February 18, 1907.

Sallie Williams,

Katie, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of January 30, 1907, asking if your case has yet been decided. You state that you are a Chickasaw by blood.

In reply to your letter you are advised that your case is still pending before the Department and you will be notified of such action as is taken therein.

Respectfully,

Commissioner.

9-2-22.

Muskogee, Indian Territory, March 1, 1907.

Sallie Williams,

Katie, Indian Territory.

Dear Madam:

You are hereby notified that on February 16, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes of July 31, 1903, denying the application made by you for the enrollment of yourself and your minor children, Marcus Williams, Cora Williams, Kimble Williams, Maisie Williams and Joe Williams, as citizens of the Chickasaw Nation.

Respectfully,

Commissioner.

9-2-22.

Muskogee, Indian Territory, March 1, 1907.

S. F. Williams,

Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that on February 15, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the five Civilized Tribes of July 31, 1903, denying the application for the enrollment of Sallie Williams and her minor children, Marcus Williams, Gera Williams, Kimble Williams, Maize Williams and Joe Williams, as citizens of the Chickasaw Nation.

Respectfully,

Commissioner.

9-R-22.

Muskogee, Indian Territory, March 1, 1907.

S. A. Apple,

Attorney at Law,

Adams, Indian Territory.

Dear Sir:

You are hereby notified that on February 15, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes of July 31, 1903, denying the application for the enrollment of Sallie Williams and her minor children, Marcus Williams, Cera Williams, Kimble Williams, Maize Williams and Joe Williams, as citizens of the Chickasaw Nation.

Respectfully,

Commissioner.

9-R-22.

Muskogee, Indian Territory, March 1, 1907.

Mansfield, McMurray & Gornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on February 15, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes of July 31, 1903, denying the application for the enrollment of Sallie Williams and her minor children, Marcus Williams, Cora Williams, Kimble Williams, Maise Williams and Joe Williams, as citizens of the Chickasaw Nation.

Respectfully,

Commissioner.

D. C. 13306.

Land.
16083-1907
21570-1907 .

March 2, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department al letter of February 15, 1907 ,
(I.T.D. 15434-1906), affirming the the decision of the Commissioner
in declining to enroll Sallie Williams, et al., as citizens by blood
of the Chickasaw Nation, I have the honor to transmit herewith a
motion to reopen and review Departmental decision in this case,
filed in this Office by S. T. Wiggins, attorney for the applicants.

The motion does not show that it has been served upon the
attorneys for the Chickasaw Nation. The Office recommends that the
motion be denied.

The record is enclosed herewith.

Very respectfully,

Acting Commissioner.

EWB-NBM.

D. C. 13304.

I.T.D. 7886-1907.

L.A.S.

Direct.

DEPARTMENT OF THE INTERIOR,

WASHINGTON/

J.P.
LLB

March 4, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The motion to reopen and review the Chickasaw citizenship case of Sallie Williams et al., is hereby denied, as recommended by the Indian Office in its letter of March 2, 1907 (Land 21570), copy inclosed. Said motion was filed in that office by attorney for applicants.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

E. A. Hitchcock,
Secretary.

7 Inclosures to Ind. Of.

1 inclosure.

WCF.3-4-07

9-2-22

Muskogee, Indian Territory, March 21, 1907.

Sallie Williams,

Katie, Indian Territory.

Dear Madam:

You are hereby advised that on March 4, 1907, the Secretary of the Interior denied the motion to reopen and review the application for the enrollment of Sallie Williams, Marcus Williams, Cora Williams, Kerble Williams, Moise Williams and Joe Williams as citizens of the Chickasaw Nation.

Respectfully,

Commissioner.

Muskogee, Indian Territory, March 21, 1907

S. F. Williams,

Ardmore, Indian Territory.

Dear Sir:

You are hereby advised that on March 4, 1907, the Secretary of the Interior denied the motion to reopen and review the application for the enrollment of Sallie Williams, Marcus Williams, Gora Williams, Kamble Williams, Maise Williams, and Joe Williams as citizens of the Chickasaw Nation.

Respectfully,

Cornelius J. Jones.

9-2-22

Muskogee, Indian territory, March 21, 1907.

S. A. Apple,
Attorney at Law,
Ardmore, Indian territory.

Dear Sir:

You are hereby advised that on March 4, 1907, the Secretary of the Interior denied the motion to reopen and review the application for the enrollment of Sallie Williams, Marcus Williams, Cera Williams, Kemble Williams, Maise Williams, and Joe Williams as citizens of the Chickasaw Nation.

Respectfully,

Commissioner.

Muskogee, Indian Territory, March 21, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on March 4, 1907, the Secretary of the Interior denied the motion to reopen and review the application for the enrollment of Sallie Williams, Marcus Williams, Cora Williams, Kemble Williams, Maise Williams, and Joe Williams as citizens of the Chickasaw Nation.

Respectfully,

Commissioner.

9-R-22

Muskogee, Indian Territory, March 25, 1907.

S. A. Apple,

Attorney at Law,

Armore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 15, 1907, requesting a copy of the decision of the Department in the Chickasaw case of Sallie Williams et al.

In reply to your letter you are advised that on March 23, 1907, a letter was addressed to you respective to the forwarding of Departmental decisions.

There is inclosed you herewith copy of Departmental decision in the case of Sallie Williams et al. as citizens of the Chickasaw Nation.

Respectfully,

KB 1-25.

Commissioner.

Chic.R-23

Chic.R-23

COPY

Commission to the Five Civilized Tribes,
Durant, Indian Territory.

In the enrollment of Joanna Johnson, intermarried Chickasaw and children; being sworn and examined by Com'r McKennon she states

Q What is your name? A Joanna Johnson.

Q How old are you? A Forty-six.

Q Are you on the Chickasaw rolls? A Yes, sir, I was.

Q When? A When they drew the last annuity six years ago.

Q You claim as an intermarried Chickasaw; when were you married? A I cannot remember. (Her witness produces copy of marriage license.) I was married to J. B. Gillam.

Q You were married in the State of Mississippi? A Yes sir, I have been in the Territory sixteen years.

Q Married in Mississippi on the 10th of March 1875, according to this certified copy of the record there? A Yes sir.

Q To J. B. Gillam? A Yes sir.

Q Did he ever live in the Territory? A Yes sir.

Q When did he come to the Territory? A About sixteen years ago.

Q How long did he live here? A He lived here nearly all the while; he died here.

Q When did he die? A Eight years ago.

Q In 1891? A Yes sir, nine years ago, it was in '90. I was a widow a year before my second marriage.

Q After his death you married a white man and a non-citizen?

A Yes sir, James Johnson.

Q You were never married under the Chickasaw law? A No sir.

Q Was he admitted to citizenship after he came here? A I cannot say.

Q You know whether he was ever admitted by the council to citizenship? A His mother was.

(Joanna Johnson et al # 2.

Q Do you know whether he was? A I do not.

Q You know that his mother was? A I think so .

Q When? A I don't know .

Q Did he come here at the same time she did? A We came before; he and I came about together; he was here a little while before I came.

Q Did his mother come here afterwards? A Yes sir.

Q And she was admitted ? A Yes sir.

Q And he was not? A I don't know, I cannot remember, It was never brought up - no objections at all to our citizenship was ever brought until last fall.

(The applicant is found on the Chickasaw Pay Roll of 1893, page 122.)

Q What was your husband's mother's name? A Catherine A. Wiggins.

Q Is that the Catherine A. Wiggins mentioned in this finding of the legislature of the Chickasaw Nation? A Yes sir, the same one.

Q You say your husband's name was Gillam; was his mother wedded to a Gillam after Wiggins died? Or before? A Her first husband's name was Land; her second one's name was Richard Gillam.

Questioned by Com' McEnnon)

Q Were any of them citizens by blood? A Yes sir.

Q A Chickasaw Indian by blood? A She was the oldest daughter of Gilbert Moore.

Q Her other husband, was he a white man? A Yes sir, Wiggins was a white man.

Q Was your husband the son of that white woman? A No sir.

This wasn't a white woman; Catherine was Gilbert Moore's oldest daughter; that was my husband's mother.

Q Who of your children are living with you? A I have two.

DEPARTMENT OF THE INTERIOR
Commission to the Five Civil-
ized Tribes.

Joanna Johnson and children (3) . I hereby certify upon my official oath as stenographer to above named Commission that this transcript is a true full and correct translation of my stenographic notes.

Eva, twenty years old, she is married. M.D. Green.
Q Who did she marry? A Frank Wilson, a white man.

Q Next one? A Ona Gillam, sixteen, not married and living with me; Clemmie is with me, here she is, twelve years old.

Q Any others? A No sir.

Questioned by Attorney)

Q Your daughters have no children? A No sir.

Q They have never been enrolled? A Yes sir, they received their annuity, their names are Gillam.

(Com'r McKennon: Ona, Clemmie and Eva are found on the Chickasaw Pay Roll of 1893, on page 91, also on the roll of 1897, page 60, Pontotoc county, Chickasaw Nation.)

Questioned by Chick. Att'y Cornish.

Q How is your husband related to Joseph C. Moore? A He is a nephew.

Q What was the blood of your husband? A We claimed it by adoption of grandfather Colbert Moore and blood of the mother Fannie Moore, but whether she was Chickasaw or Cherokee I don't know.

Joseph C. Moore being sworn and examined testified:

Questioned by Chick Att'y Cornish:

Q Do you know J.B. Gillam.

A Yes sir.

Q How is he related to you? A He was a nephew of mine.

Q Was he a son of your sister? A Yes sir.

Q What was his blood? A His Indian blood was Cherokee.

Questioned by Attorney)

Q What was your sister's name? A Catherine A. Wiggins, formerly Gillam.

The three above children enrolled on white card.
Enrollment of Joanna Johnson refused.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ooOoo

In the matter of the application for enrollment of
Joanna Johnson, as an intermarried citizen of the Chickasaw
Nation.

=====

DECISION.

=====

It appears from the record in this case, that at Durant, Indian Territory, the applicant, Joanna Johnson, made personal application to this Commission for enrollment as a citizen by intermarriage of the Chickasaw Nation.

It appears from an examination of the evidence offered in support of this application, and an examination of the tribal rolls of the Chickasaw Nation, in the possession of the Commission, that the name of Joanna Johnson, the applicant herein, is found on Page 22, of the 1893 Pay Roll, Number 2, of the Chickasaw Nation.

It appears from the evidence offered in support of this application, that Joanna Johnson, the applicant, herein, is a white woman, and on March 10, 1878, she was married under the laws of the state of Mississippi, to J. B. Gilliam, an alleged citizen of the Chickasaw Nation, with whom she lived until his death. Subsequent to his death, and in 1890, she married James Johnson, a white man, who is her present husband.

It appears from an examination of the records in the possession of the Commission that the applicant has never been admitted to citizenship in the Chickasaw Nation by the

Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, in accordance with the provisions of the act of Congress of June 10, 1897, (30 Stat., 321). Neither does it appear that she has ever been duly admitted to Chickasaw citizenship by the legally constituted authorities of said nation.

It does not appear that Joanna Johnson has ever been married in accordance with the tribal laws of the Chickasaw Nation, to a recognized and enrolled citizen of that nation.

The act of Congress of June 25, 1898, (30 Stat., 495), provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

It is therefore the opinion of this Commission that Joanna Johnson is not lawfully entitled to be enrolled as a member of the Chickasaw Tribe of Indians in Indian Territory; that her enrollment by the Chickasaw tribal authorities was without authority of law, and that her application for enrollment as an intermarried citizen of said nation should be refused and it is so ordered.

The Commission to the Five Civilized Tribes


C. H. Beckwith
Commissioner

Dated at Muskogee, Indian Territory,

this APR - 2 1902

*Copy
Motion*

Joanna Johnson

reference further evidence of her
 honor to children, as they are, that she be permitted to in-
 terpret to her own mind and conscience in order to be able to
 do this in the office of the Commissioner of the Five Civilized
 Tribes of the Indian Territory; and that I be authorized to

DEPARTMENT OF THE INTERIOR
 COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS

RECEIVED
 JUN 22 1906

APPROVED FOR DEPOSITION.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the : MOTION TO REOPEN
enrollment of JOANNA JOHNSON as a citizen :
by intermarriage of the Chickasaw Nation. : AND RECONSIDER.

Comes now Joanna Johnson, by her attorney, Guy P. Cobb, and moves that the above entitled case be reopened, and that the decision of the Commissioner be reconsidered, and that she be enrolled as a citizen by intermarriage of the Chickasaw Nation, upon the following grounds:

That the application of your petitioner for enrollment as such citizen by intermarriage of said Nation has heretofore been presented before the Commission to the Five Civilized Tribes, and that said Commission heretofore, and on April 2, 1902, rendered a decision herein denying said application, which said decision was thereafter affirmed by the Secretary of the Interior.

That said adverse decision rendered herein on April 2, 1902, was erroneous, for the reason that the ground thereof was that your petitioner had not been married to her Chickasaw husband under a license issued by the tribal authorities of the Chickasaw Nation, and the further ground that such tribal license was necessary in order to permit your petitioner to acquire rights as a citizen by intermarriage of said Nation, whereas, as a matter of fact, your petitioner was married to her Chickasaw husband on March 10, 1875, at which time there was no law of the Chickasaw Nation in existence which required that a tribal license must be secured in order for the white party to said marriage to acquire the status of a citizen by intermarriage of said Nation, as has been held by the Choctaw and Chickasaw Citizenship Court, the Department of the Interior, and the Commission to the Five Civilized Tribes, since the rendition of said adverse decision herein.

WHEREFORE, said Joanna Johnson respectfully asks that said cause be reopened, and said decision heretofore rendered herein may be reviewed and reversed, and that she be enrolled as a citizen by

intermarriage of the Chickasaw Nation; and that if the evidence now on file in the office of the Commissioner to the Five Civilized Tribes is not deemed sufficient to establish the right of your petitioner to enrollment as such citizen, that she be permitted to introduce further evidence therein.

Guy F. Cobb

Attorney for petitioner.

WHEREFORE, your friend Johnson respectfully asks that said cause be reopened, and that decision heretofore rendered herein may be reviewed and reversed, and that she be enrolled as a citizen of

To P. S. Moseley, Governor of the Chickasaw Nation, and the honorable members of the Senate and House of Representatives;

We the undersigned appointed as members of the Citizenship Committee, with power to inquire into and pass upon all applicants for citizenship in this Nation, as well as to pass upon all claims of parties where there is any question as to their citizenship that come within our knowledge, in addition to the regular report. In pursuance of such investigation we find that there has been some question raised as to the citizenship of Fannie Moore, Catherine A. Wiggand, Mary Hamlet, Elizabeth Parker, Millard Bunn, John R. Capel, Joseph C. Moore, Mildred A. Crabtree, John S. Layman, Lillian Layman, Fannie T. Laymen, Mary Pack, John F. Moore, Harvey B. Moore and Francis A. Beavers, but we have refused to open the question for investigation before our body for the reason that during the July term of our District Court, B. W. Carter being our regular judge, the question of their citizenship was duly and legally passed upon by such Judge in accordance with our laws then in full force and effect and he after hearing the proof found that the foregoing parties were heirs by blood of Colbert Moore, who he found to be citizens and entitled to all the rights and privileges as such.

Wherefore we deem it unwise to attempt, and ignore the decision of our court and again reopen upon a question that has been legally passed upon and settled by a court of competent jurisdiction and full authority. But in so far as there has been a question raised as to the foregoing parties rights as citizens we respectfully refer this matter to your honorable body to do what seems to you just and right in the premises to the parties whose rights as citizens has been fully determined by a court of competent jurisdiction.

In full explanation of our action in the matter we hereby

attach to this report to your Honorable Body a copy of the law under which such decision was rendered by Judge Carter and also a copy of decision thereunder.

Very respectfully,

In the matter of the petition of Fannie Moore, et.al., non-resident Chickasaw to have their rights to citizenship declared and defined according to law.

Now on this day is filed and presented, the petition of Fannie Moore, Catherine Awigand, Mary Hamlet, Elizabeth Parker, Mildred Bunn, John R. Chapel, Joseph C. Moore, Mildred A. Crabtree, John S. Layman, Lillian Layman, Fannie T. Layman, Mary Pack, John F. Moore, Harvey B. Moore and Francis A. Beavers, praying that they be recognized as citizens of the Chickasaw Nation, and that their rights as such citizens be declared by this court according to law. And it appearing to the satisfaction of the Court from said petition and exhibit thereto and the testimony of witnesses examined by the court, that said petitioners are the legal heirs and descendants, of Colbert Moore, deceased, and that prior to, and at the time of the removal of this Nation from the State of Mississippi, the said Colbert Moore was a citizen of the Chickasaw Nation and entitled to all the rights and privileges appertaining to such citizenship.

It is further considered, and ordered by the court, that the said Fannie Moore, Catherine A Wigand, Mary Hamlet, Elizabeth Parker, Mildred Bunn, John R. Chapel, Joseph C. Moore, Mildred A. Crabtree, John S. Layman, Lillian Layman, Fannie T. Layman, Mary Pack, John F. Moore, Harvey B. Moore and Francis A. Beavers, shall be entitled to all the rights, privileges and immunities held and enjoyed by and of the Chickasaw, or Chickasaw family, and that they and each of them be protected in the enjoyment of such rights, privileges and immunities as fully

and completely as if the residence of said Colbary Moore and his family with the Chickasaw Nation had been uninterrupted and continuance to this day.

B. W. CARTER, DISTRICT JUDGE.
of Chickasaw Nation.

Tom W. Thos. Johnson, Clerk, Proten.

I, J. F. Williams, hereby certify that this is a true copy of the original now on file in office. Given under my hand and seal of office this the 30th day of August, 1884.

J. F. Williams,
District Clerk U. S.

I, Chas. M. Campbell, Clerk of the United States Court for the Southern District of the Indian Territory, do hereby certify that the above is a true, literal and correct copy of a portion of the evidence now on file in my office in the case of Fannie Moore, et al vs. The Chickasaw Nation.

Given under my hand and seal of office this the 12th day of January, 1901.

(S E A L)

C. M. Campbell,
Clerk of U. S. Court, Southern
District, Indian Territory.

Department of the Interior
Commission to the Five Civilized Tribes,
F I L E D.

Feb 9 1901

Tams Bixby
Acting Chairman.

Muskogee, Indian Territory, May 22, 1900.

Mr. Albert Rennie,

Attorney at Law,

Paula Valley, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of May 26th, in the matter of the application for enrollment as a citizen of the Chickasaw Nation of Joanna Johnson, and requesting to be furnished with the records in this case, so that the same may be taken up with the Secretary of the Interior on the question of her not having been married according to the Indian law to J. B. Gillan. There is inclosed you herewith a copy of the testimony given by Mrs. Joanna Johnson, when she appeared before this Commission as an applicant for inter-married citizenship, at which time she was refused enrollment by the Commission.

You state that you desire this record that you may take the case up with the Secretary of the Interior. You are informed that the Department at Washington will not receive or act upon any appeals from the decisions of this Commission in the matter of Choctaw and Chickasaw enrollment, until the final rolls of the nations are sent to the Secretary of the Interior for review. The Department has ruled that the Commission must in all cases have a sufficient state-

A.R. 2.

ment taken under oath of all applicants for enrollment so that a decision may be based thereon by the Commission, and also for forwarding to the Department, and that upon such personal appearance, any additional written affidavits and testimony may be submitted in furtherance of the applicants' claim. Mrs. Johnson, having been refused enrollment by this Commission, would now be allowed to file any additional affidavits or testimony she may desire, to be forwarded to the Secretary of the Interior when the rolls are sent up. Kindly return the inclosed testimony as soon as possible.

Yours truly,

Acting Chairman.

3-29

Muskogee, Indian Territory, August 9, 1901.

Mr. Chris Wall,

Muske, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th instant, requesting to be advised as to the status of the application for enrollment in the case of Mrs. Joanna Johnson and numerous others named therein, but do not give any reasons for requesting the information.

You are informed that upon receipt of a letter from you stating the reasons for desiring the information mentioned herein, the matter will be given proper consideration.

Yours truly,

Commissioner in Charge.

COPY

Muskogee, Indian Territory, April 9, 1903.

James Johnson,

Wynnewood, Indian Territory.

Dear Friend:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for enrollment as a citizen of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Very truly,

WMA:MD

C. R. Brockmire,

Commissioner in Charge.

I enclose
Register.

Chickasaw 2 21

COPY.

Muskogee, Indian Territory, April 2, 1902.

Messrs. Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Joanne Johnson for enrollment as a citizen of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

C. B. Breckinridge.

(SIGNED).

Commissioner in Charge.

1 enclosure
Registered.

COPY.

Mustang, Indian Territory, April 2, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Joanna Johnson for the enrollment of herself as a citizen of the Chickasaw Nation, including the decision of the Commission, dated April 2, 1902, refusing the application for the enrollment of Joanna Johnson as a citizen of said nation.

Respectfully,

C. R. Breckinridge.

RECEIVED

Commissioner in Charge.

1 enclosure.

Through the Commissioner of
Indian Affairs.

COPY
(COPY)

Land
20614-1902

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, April 22, 1902.

The Honorable

The Secretary of the Interior,

Sir:

I have the honor to transmit herewith a report made April 2, 1902, by G.R. Breckinridge, Esq., Commissioner in charge of the work of the Commission to the Five Civilized Tribes, forwarding the record of proceedings in the matter of the application of Jeanna Johnson for enrollment as an intermarried citizen of the Chickasaw Nation.

The Commission in its decision states that the name of Jeanna Johnson "is found on page 22 of the 1893 Pay Roll of the Chickasaw Nation."

The record in the case shows that Jeanna Johnson, the applicant is a white woman; that March 15, 1876, she was married under the laws of the State of Mississippi to J.E. Gilman, an alleged citizen of the Chickasaw Nation, with whom she lived until

(2)

his death; that in 1890 she was married to James Johnson, a white man who is now her husband. The record also shows that the applicant was not married to her alleged Chickasaw husband in accordance with the tribal laws of the Chickasaw Nation, but under the laws of the State of Mississippi, and the Commission on April 2, 1902, held that she was not legally entitled to enrollment in the Chickasaw Nation as an intermarried citizen thereof.

The office concurs in the decision of the Commission refusing enrollment to the applicant and respectfully recommends that it be approved.

Yours respectfully,

Your obedient servant,

A. C. TONNER,

Acting Commissioner.

RAY
D

3 incls.

COPY

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

D.O. 10310

I.T.D. 2750-1902.

June 19, 1902.

IRS

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

April 23, 1902, the Acting Commissioner of Indian Affairs submitted the enrollment card of Jennie Johnson, transmitted with your letter of April 2, 1902. The applicant seeks enrollment as an intermarried Chickasaw citizen.

It appears that her name is on the 1890 pay roll of said nation; that she is a white woman and was married in Mississippi to J.B. Gillan, an alleged citizen of said nation; that after his death in 1890 she married James Johnson, a white man, her present husband. The act of June 25, 1890 (26 Stat., 495).

(2)

provides that you shall enroll such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said tribes. You found that the applicant has never been admitted to citizenship in the Chickasaw Nation, and it does not appear that she was ever married in accordance with the tribal laws of said nation to a recognized and enrolled citizen of the nation. You therefore held that her enrollment by the Chickasaw authorities was without authority of law, and that she is not entitled to be enrolled by you.

The Department concurs in the recommendation of the Indian Office that your decision be approved, and it is accordingly hereby affirmed. Copy of the Indian Office letter is inclosed.

Respectfully,

F. L. Campbell

Acting Secretary.

1 inclosure.

END

COPY

Wichita 2-22,

Wichita, Indian Territory, July 12, 1908.

Thomas Johnson,

Wichita, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of June 19th, 1908, affirmed the decision of the Commission, dated April 22, 1908, refusing the application made by you for the enrollment of yourself as a citizen of the Chickasaw Nation.

Yours truly,

Respectfully,

W. B. B. B. B.
Acting Chairman.

COPY.

Chickasaw R-23.

Muskogee, Indian Territory, July 12, 1902.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw & Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 19th, 1902, affirmed the decision of the Commission, dated April 24, 1902, refusing the application made by Joanna Johnson for the enrollment of herself as a citizen of the Chickasaw Nation.

Yours truly,

(SIGNED)

Wm. D. Ditty,
Acting Chairman.

Muskogee, Indian Territory, September 1, 1904.

Mr. J. B. Thompson,

Attorney at Law,

Pauls Valley, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 29th ultime in which you advise that Mrs. Jeanna Johnson, formerly Mrs. Jeanna Gilliam, informs you that she was married to Mr. Gilliam in Mississippi and that some twenty years ago they moved to the Chickasaw Nation, Indian Territory, since which time she has continuously resided in said nation; that she made application to the Commission for enrollment as a citizen by intermarriage of the Chickasaw Nation; that her husband, J. B. Gilliam, and three children, were enrolled by the tribal authorities of the Chickasaw Nation and participated in the 1893 payment, and that the three children have been admitted and enrolled as citizens by blood of the Chickasaw Nation.

You request the Commission to furnish you a copy of the record in the matter of the application of Mrs. Jeanna Johnson, for enrollment as a citizen by intermarriage of the Chickasaw Nation, and if a judgment has been entered rejecting her application, that a copy thereof be forwarded you in order that you may take the necessary steps to protect her rights as you deem necessary under such

J.R.T.

- 2 -

ing law.

In reply to your letter you are informed that on April 2, 1902, the Commission rendered a decision refusing the application of Jeanna Johnson for enrollment as a citizen by intermarriage of the Chickasaw Nation. The record in this case was transmitted to the Secretary of the Interior on the same date, and on June 19, 1902 the Secretary of the Interior affirmed the decision of the Commission of April 2, 1902.

The evidence in this case shows that Jeanna Johnson drew the leased District Payment made to the Chickasaw Indians in 1892 and that on March 10, 1873 she was married under the laws of the state of Mississippi to J. B. Gilliam, with whom she lived until his death, and subsequently and in 1890, married James Johnson, a white man.

It not appearing that she had ever been duly and lawfully admitted to citizenship in the Chickasaw Nation, and therefore have been married to a recognized and enrolled citizen by blood of the Chickasaw Nation, in accordance with the tribal laws of said nation, her application for enrollment was refused. The Commission has no further jurisdiction over this matter, inasmuch as our decision of April 2, 1902, has been affirmed by the Secretary of the Interior.

J.B.T.

- 3 -

Your request to be supplied with a copy of the record and decision in this case cannot be complied with for the reason that there is not an additional copy thereof that may be spared from the files of the Commission. Should you desire, however, to make a copy of such record, you will be permitted to do so at the General Office of the Commission at Washington.

Yours truly,

Chairman.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

J.P.
FHE

I.T.D. 10748-1904.
L.R.S.

October 24, 1904.

D.C. 41177

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a communication of September 27, 1904, from Messrs. Riley & Cotner, of Tishominge, Indian Territory, submitting a motion to reopen the Chickasaw enrollment case of Joanna Johnson, the subject of departmental letter to you of June 19, 1902. Neither the letter, which is in the nature of an argument, nor the motion, has been served upon the attorneys for the Choctaw and Chickasaw Nations.

You will return these papers to said attorneys, informing them of the defect, and advise them that when perfected they should be filed with your Commission for transmittal. It is requested that should they be resubmitted, in reporting thereon you make recommendation in the matter.

Respectfully,

E. A. Hitchcock,
Secretary.

2 inclosures.

Chickasaw R 23

Muskogee, Indian Territory, November 8, 1904.

Riley & Cotner,

Attorneys at Law,

Tishomingo, Indian Territory,

Gentlemen:

The Commission is in receipt of Departmental letter of October 24, 1904, (I. T. D. 10748-1904) transmitting your communication of September 27, 1904, with which was submitted a motion to reopen the Chickasaw enrollment case of Joanna Johnson, and directing the Commission to return both letter and motion for the reason that they do not show proof of service upon the attorneys for the Choctaw and Chickasaw Nations.

Your letter of September 27, 1904, together with the motion to reopen the application for the enrollment of Joanna Johnson as a citizen of the Chickasaw Nation, is herewith returned, in accordance with Departmental directions above referred to.

The Department also directs that in resubmitting these papers, with proof of service, they should be filed with this Commission for transmittal to the Secretary of the Interior.

Respectfully,

9-2-23

Muskogee, Indian Territory, November 17, 1904.

Chilton Riley,

Tishomingo, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of November 14, 1904, transmitting a motion to reopen the enrollment case of Joanna Johnson which was returned by the Secretary of the Interior for want of service on the Nation. You state that you have sent the Attorneys for the Nation a copy by registered mail, and request the Commission to forward the motion to reopen the case of Joanna Johnson to the Secretary of the Interior.

In reply to your letter you are advised that the motion to reopen the application of Joanna Johnson for enrollment as a citizen of the Chickasaw Nation has been this day transmitted to the Secretary of the Interior.

Respectfully,

Chairman.

98 231

Washoe, Indian Territory, November 18, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of Departmental letter of October 24, 1904, (I.T.D. 10746-1904) transmitting a communication of September 27, 1904, and a motion of Wiley & Cotner of Tishomingo, Indian Territory, to reopen the Chickasaw enrollment case of Joanna Johnson for the reason that neither the letter nor the motion had been served upon the Attorneys for the Choctaw and Chickasaw Nations.

I have the honor to transmit the motion of Wiley & Cotner to reopen the Chickasaw enrollment case of Joanna Johnson attached to which is the affidavit of West Cotner that a copy thereof has been forwarded Mangfield, McMurtry & Cornish by registered mail together with the registry receipt therefor.

Respectfully,

Enc. Chickasaw A-22.

(COPY)

DEPARTMENT OF THE INTERIOR,

C. 49522-1904.
I.T.D. 2730-1902.
12128-1904.

WASHINGTON.

WHE. Y.P.

December 19, 1904.

LRS

Commission to the Five Civilized Tribes,
Muskegee, Indian Territory.

Gentlemen:

The Department has considered the motion for review of its decision of June 12, 1902, in the matter of the application of Joanna Johnson for enrollment as an intermarried citizen of the Chickasaw Nation, received with your letter of November 18, 1904, and finds no reason to disturb said decision, which affirms your decision adverse to the applicant.

The applicant was married, not according to the Chickasaw law, to J. B. Gillam, in 1875, in Mississippi, and moved with her husband to the Chickasaw Nation about 1883. He died in the nation about 1890, and the applicant married Johnson about 1891. From the testimony it would seem that Gillam was a Cherokee. There is nothing to show that he was ever enrolled in the Chickasaw Nation. The applicant's name is on the 1893 pay roll.

Outside of any question as to whether the mother of J. B. Gillam was duly recognized as a citizen of the Chickasaw Nation about 1884, by which it is claimed in the motion the applicant's husband was entitled to enrollment (with which the Department with the information before it does not agree), agree-

tion is called to the fact that there were Chickasaw laws relative to intermarriage long prior to the law of 1876 to which the motion refers, and the marriage of the applicant and Gillam was not in accordance with such laws. See the laws of said nation compiled in 1876.

The motion is accordingly hereby denied, and you will so advise the applicant.

Respectfully,

Thos Ryan

Acting Secretary.

Chickasaw R 23

Muskogee, Indian Territory, December 28, 1904.

Joanna Johnson,

Wynnewood, Indian Territory,

Dear Madam:

You are hereby advised that on December 19, 1904, the Secretary of the Interior denied the motion for rehearing in the matter of your application for enrollment as an intermarried citizen of the Chickasaw Nation.

Respectfully,

Chairman.

Chickasaw R 23

Muskogee, Indian Territory, December 28, 1904.

Chilion Riley,

Attorney at Law,

Tishomingo, Indian Territory,

Dear Sir:

You are hereby advised that on December 19, 1904, the Secretary of the Interior denied the motion of Riley & Getner to re-open the application of Joanna Johnson for enrollment as an intermarried citizen of the Chickasaw Nation.

For your information there is inclosed herewith copy of Departmental letter of December 19, 1904, denying said motion.

Respectfully,

Chairman.

AB 8-28

Chickasaw P23

Muskogee, Indian Territory, December 28, 1904.

Riley & Cotner,

Attorneys at Law,

Tishomingo, Indian Territory,

Gentlemen:

You are hereby advised that on December 19, 1904, the Secretary of the Interior denied the motion filed by you for a re-opening of the application of Joanna Johnson for enrollment as an intermarried citizen of the Chickasaw Nation.

For your information there is inclosed herewith copy of Departmental letter of December 19, 1904, denying said motion.

Respectfully,

Chairman.

Chickasaw R 23

Muskogee, Indian Territory, December 28, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

You are hereby advised that on December 19, 1904, the Secretary of the Interior denied the motion to re-open the matter of the application of Joanna Johnson for enrollment as an intermarried citizen of the Chickasaw nation.

For your information there is inclosed herewith copy of Departmental letter of December 19, 1904, denying said motion.

Respectfully,

Chairman.

AB 1-23

9-2-23

Muskogee, Indian Territory, August 23, 1906.

Guy P. Cobb,

Attorney at Law,

Armore, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of motion to reopen and reconsider the application of Joanna Johnson for enrollment as a citizen by intermarriage of the Chickasaw Nation, and the same has been transmitted to the Secretary of the Interior.

Respectfully,

Commissioner.

Muskogee, Indian Territory, August 23, 1906.

The Honorable,

The Secretary of the Interior.

Sir:-

On April 2, 1902, the Commission to the five civilized Tribes rendered its decision refusing the application of Joanna Johnson for enrollment as an intermarried citizen of the Chickasaw Nation, and this action was approved by the Secretary of the Interior June 19, 1902 (I.T.D. 2730-1902).

On November 18, 1904, a motion filed by Riley & Cotner to reopen this case was forwarded the Department, which motion was denied December 19, 1904 (I.T.D. 12128-1904).

I now have the honor to transmit herewith motion filed June 22, 1906, by Guy P. Cobb of Ardmore, Indian Territory, to reopen and reconsider the application of Joanna Johnson for enrollment as a citizen by intermarriage of the Chickasaw Nation.

Respectfully,

Through the Commissioner
of Indian Affairs.

Acting Commissioner.

9-2-25

(COPY)

Refer in reply to the following:

Land
88852-1904
74091-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

October 4, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of December 19, 1904, I.T.D. 12128, there is enclosed a report from the Acting Commissioner to the Five Civilized Tribes, dated August 23, 1906, transmitting motion to re-open and reconsider the application of Jeanna Johnson for enrollment as a citizen by intermarriage of the Chickasaw Nation.

The motion has been considered and it is not believed that it sets forth facts sufficient to warrant the Department in granting it, and it is recommended that it be denied.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

GAW-GH.

393r

D. C. 9259-1907.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

S.P.

I.T.D. 19644-1906.

February 13, 1907.

LRS

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On October 4, 1906 (Land 74091-06), the Indian Office transmitted your report dated August 23, 1906, forwarding a motion to reconsider the application of Jeanna Johnson for enrolment as a citizen by intermarriage of the Chickasaw Nation.

The Indian Office does not believe the motion sets forth facts sufficient to warrant the Department in granting it, and it recommends that said motion be denied. A copy of its letter is inclosed.

The Department has considered the motion, together with the record in the case, and finds no merit in said motion and it is hereby denied.

The papers in the case have been sent to the Indian Office with a carbon copy hereof.

Respectfully,

Thos. Ryan

First Assistant Secretary.

1 int. and
2 to Ind. Of.

9-R-23

Muskogee, Indian Territory, March 20, 1907 .

Joanna Johnson,

Wynnewood, Indian Territory.

Dear Madam:

You are hereby advised that on February 13, 1907, the Secretary of the Interior denied the motion for rehearing in the matter of the application for your enrollment as a citizen by intermarriage of the Chickasaw Nation.

Respectfully,

Commissioner.

9-R-23

Muskogee, Indian Territory, March 20, 1907.

Guy P. Cobb,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

You are hereby advised that on February 13, 1907, the Secretary of the Interior denied the motion for rehearing in the matter of the application for the enrollment of Joanna Johnson as a citizen by intermarriage of the Chickasaw Nation.

Respectfully,

Commissioner.

8-10-23

McKogee, Indian Territory, March 20, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 13, 1907, the Secretary of the Interior denied the motion for rehearing in the matter of the application for the enrollment of Joanna Johnson as a citizen by intermarriage of the Chickasaw Nation.

Respectfully,

Commissioner.

Chic. R-24

Chic. R-24

Commission to the Five Civilized Tribes,
Atoka, I. T., June 5, 1900.
Chickasaw R-24

In the matter of the application of Lorena C. Langley for enrollment as a citizen of the Chickasaw Nation; being sworn and examined by Commissioner Bixby she testifies as follows:

Preliminary statement by applicant's attorney, Judge Foster:

The applicant in 1896 made application to the Dawes Commission for enrollment as a citizen of the Choctaw Nation, claiming to have a right by her father, who claimed to be a Choctaw; the application was denied, and no appeal was taken, as I am informed, - I was not in the case at that time. Since that time the applicant appeared in person at the sitting of this Commission at Calvin, the date I don't know, nor was I present at that time. It is the applicants understanding that no record was made at that time.

(Record of Commission examined: Docket "C", page 405, Citizenship cases, on which it appears citizenship case number 1231 L.C. Langley et al vs Choctaw Nation, original application filed September 8th, 1896, answer of the Choctaw Nation filed, denied, no record of any appeal having been taken.)

~~Witness~~ Applicant examined by Com'r Bixby:

Q What is your name? A Lorena C. Langley.

Q What is your age? A Fifty-three.

Q What is your post-office address? A McAlester has been my post-office.

Q Are you a Chickasaw? A Yes sir, my mother was Chickasaw and my father was a Choctaw.

Q You now wish to make application as a Chickasaw Indian by blood? A Yes sir.

Q In 1896 you applied as a Choctaw to the Dawes Commission?

A Yes sir.

Q On August 24, 1899 you also appeared before this Commission at Calvin and applied for enrollment as a Choctaw? A Yes sir.

Q Your application in both instances cited was denied was it not? A Yes sir.

Q What is the name of your father? A John Rosenbaum.

Q Is he living? A No sir, not as I know of.

Q Was he on the Chickasaw roll? A I don't know whether he was or not.

Q You don't know then of course what county he claimed to have belonged to? A No sir.

Q What is the name of your mother? A Lucy.

Q Is she living? A No sir.

Q Did she claim to be Chickasaw? A Yes sir.

Q Was her name on the Chickasaw roll? A I don't know, I was small.

Q You don't know what county of course in the Chickasaw Nation she claimed to belong to? A No sir, I don't recollect.

Q To what county do you claim to belong in the Chickasaw Nation?

A I don't know.

Q How long have you lived in the Indian Territory? A About thirteen years.

Q Have you been out of the Indian Territory during the last two years? A No sir.

Q Your name does not appear upon the rolls of the Chickasaw Nation does it? A Not as I know of.

Q Did you ever apply to the Chickasaw authorities for enrollment as a Chickasaw? A No sir.

Lorena C. Langley #2.

Q This is the first time you have applied to the Dawes Commission for enrollment as a Chickasaw Indian isn't it? A Yes sir.
Q What proportion of Chickasaw blood do you claim to have?
A My mother was a quarter Chickasaw.
Q What was your father? A He was a quarter Choctaw; is what they learned me.
Q Are you married? A Yes sir.
Q What is the name of your husband? A William Langley.
Q Have you any children under twenty-one years of age and unmarried for whom you wish to apply for enrollment? A Yes sir.
Q What are their names and ages? A Sarah Eliza, seventeen years old, Minnie Julia, fifteen years old, Samuel Thomas, twelve years old.
Q That's all is it? A Yes sir.
Q Is there any additional statement in regard to your case that you desire to make at this time? A No sir.
Com'r Bixby: You will be permitted to file any additional evidence in the form of statements or affidavits or other proper papers at this time if you desire to do so.
(Here attorney for applicant files record in case.)
This testimony and these papers will all be forwarded to the Secretary of the Interior for his examination when the rolls are sent up for final approval.

Examined by Choctaw Attorney Gornish:

Q Did you apply for enrollment as a Choctaw in 1896? A Yes sir.
Q Did you swear at that time that you were a Choctaw? A I was taking it under my father at that time.
Q Did you testify in that case? A Yes sir.
Q Did you swear that you were a Choctaw to support that application? A I told them I was Choctaw to the best of my knowledge.
Q Did you apply to the Commission at Calvin on August 24th as a Choctaw? A Yes sir.
Q Were you sworn by Commissioner McKenna at that time? A I can't think he swore me.
Q You gave testimony before the Commission? A Yes sir.
Q Did you tell him you were a Choctaw? A I told him my father was a Choctaw and my mother a Chickasaw.
Q This is your first application as a Chickasaw? A Yes sir.

Com'r BIXBY: The application of yourself and your children is denied for the reason that your name and the names of your children does not appear on the rolls of the Chickasaw Nation, and also for the additional reason that your case is res adjudicata.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case, and that the foregoing is a full, true and complete transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 7 day of June 1900.

M. D. Green
Atty. General.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lorena C. Langley for the enrollment of herself and her three minor children as citizens of the Chickasaw Nation.

DECISION.

It appears from the record in this case that on June 5, 1904, the applicant, Lorena C. Langley, appeared before the Commission at Atoka, Indian Territory, and made application for the enrollment of herself and her three minor children, Sarah Eliza Langley, Minnie Julia Langley and Samuel Thomas Langley, as citizens by blood of the Chickasaw Nation.

It appears from the evidence offered in support of said application and examination of the tribal rolls of the Chickasaw Nation in the possession of the Commission that the applicants above named have never been enrolled as citizens of the Chickasaw Nation and that their names do not appear upon the tribal rolls of the Chickasaw Nation; neither does it appear that they have been admitted to citizenship in the Chickasaw Nation by the legally constituted authorities of the said Nation.

It further appears from an examination of the records in the possession of the Commission that Lorena C. Langley applied to the Commission to the Five Civilized Tribes in 1899 for citizenship in the Choctaw Nation for herself and her three minor children above named, together with other children named in said application, under the act of Congress of June 18, 1898, and was by the Commission denied citizenship in the Choctaw Nation for herself and her children, in-

cluding Sarah Eliza, Minnie Julia and Samuel Thomas Langley, applicants herein, in Choctaw case Number 1231, and that no appeal was taken from the said decision of the Commission to the United States Court in Indian Territory, within the time prescribed in the act of Congress of June 10, 1896, (29 Stats., 321).

The act of Congress of June 28, 1898, (30 Stats., 495), provides:

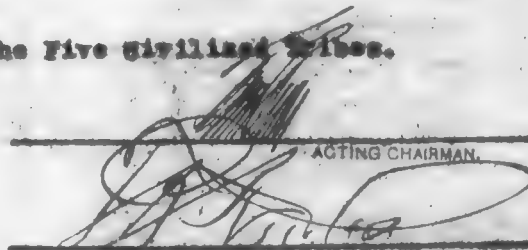
"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

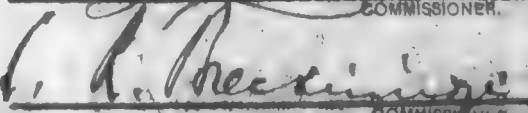
The act of Congress of May 31, 1900, (31 Stats., 221), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is therefore the opinion of this Commission that Lorena C. Langley and her three minor children, Sarah Eliza Langley, Minnie Julia Langley and Samuel Thomas Langley, are not lawfully entitled to be enrolled as members of the Chickasaw Tribe of Indians in Indian Territory and that their application as such should be refused and it is so ordered.

The Commission to the Five Civilized Tribes.



ACTING CHAIRMAN.


COMMISSIONER.

Dated at Muskogee, Indian Territory,

this FEB -3 1902

To the Secretary of the Interior.

Sir:

Your petitioner Lorena C. Langley, respectfully shows that she is the daughter of John Rosenbaum who was a Choctaw Indian and Lucy his wife, whose maiden name was Lucy Colbert and who was a Chickasaw Indian by blood. That the said John Rosenbaum and wife were at the birth of your petitioner resident in the "Pigeon Roost" country in Mississippi. This was in the old Choctaw "Pigeon Roost" Reservation in Mississippi. That when your petitioner was about seven years of age her said father and mother moved to "Pigeon Roost" Church in Tennessee and that the family lived on George Howisons place about 14 miles from Jackson on the road from Jackson to Montgomery. About that time father talked about going to the Indian Territory to "the new country", but father and mother "split up" and parted and father left the country. I was about 11 years old at that time, mother hired me out to a white woman named Mrs. Davis, Sallie I think was her name. She was a widow. I had two brothers named Henderson and Thomas Rosenbaum. After hiring me out to Mrs. Davis mother moved away and soon after died. I knew my present husband while my father was yet living. I recollect him and his father camping at our spring. I can just recollect an Indian named York who would come around where we lived in Mississippi with baskets to sell. I staid with Mrs. Davis until Mr. Langley married me when we left that place and moved to Hardeman Co., Tenn, and lived there about 15 or 16 years, and then moved to Fannin Co., Texas, and after living there about two years moved to Emmett in the Chickasaw Nation Indian Territory. My son Tommy is 15 years old. He was born at Emmett. Next year we moved to the Choctaw Nation and have lived in the Choctaw Nation ever since. Father and Hugh Revels were always together and drinking and running their horses. On one occasion Revels horse fell and father had to go and

get help to carry him home.

I made application to the Dawes Commission in 1896 as a Choctaw under my fathers blood right. The application was denied. Since that time I have found the witness whose affidavits are attached and I now make application under my mothers blood right for enrollment as a Chickasaw. My father was a Choctaw and my mother a Chickasaw. I am a Mississippi Choctaw and Chickasaw Indian woman 52 years of age.

On Tuesday August 8th I went with my husband to the Dawes Commission at Calvin and applied for a hearing although I had understood that the Commission would hear none who were not on the roll. I was refused a hearing by Capt McKennon, and hustled out of the tent. They did not swear me and no record was made so far as I know. My descendants live in the Choctaw Nation and are Doney Langley VanHoozer 26 years old, James F. Langley 24 years old, Mary Langley Nail 21 years old, Sarah E. Langley 18 years old, Ray Langley child of Sarah 8 months old, Minnie J. Langley 16 years old, Ralph Langley, child of Minnie 6 mos old, Samuel T. Langley 13 years old and E. Lee VanHoozer 8 years old, Tiny VanHoozer 6 years old, Rosa B. VanHoozer 3 years old, Carrie J. VanHoozer 8 mos old, children of my daughter Doney VanHoozer. Having been refused a hearing by Capt McKennon and the Commission being no longer in the Choctaw Nation your petitioner prays that her cause may be heard and that she and her above named descendants be enrolled as Chickasaw citizens.

Witness
Geo M. Fortune

her
X
Lorena C. Langley
mark

Subscribed and sworn to before me this 29th day of Nov. 1899

S E A L

(signed) Frank A. Collins

Notary Public.

Central District I. T.

William F. Langley being first duly sworn says;

I am the husband of Lorena Rosenbaum Langley the applicant, and the father of the children mentioned in the petition for enrollment.

I was acquainted with John Rosenbaum father of Lorena my wife. I got acquainted with him before the war when I was about 13 years old. I am now between 54 and 55 years old. Rosenbaum lived about 14 miles south of Jackson Tenn, on the Jackson and Montezuma Road, about 3/4 of a mile from the old "Pigeon Roost" Church house on the old "Forked Ear Reservation." Sometimes called Pocahontas Reservation. I knew him about two years and then I left there. I lived about a 1/4 of a mile from him and knew him and his family well. He had the appearance of a full blood Indian. He claimed to be a Choctaw and called his family Choctaws. Hugh Revely was an acquaintance and companion of John Rosenbaum. Hugh Revely told me Rosenbaum was a Choctaw. Old man Mays told me the same. George Baker also told me the same. All these men were near neighbors to Rosenbaum. My father John Langley also told me that Rosenbaum was an Indian. In fact it was well understood in the neighborhood that John Rosenbaum was what he claimed to be - a Choctaw Indian. It was about 40 miles to the Mississippi line. When I was about 15 or 16 my father and family moved away and I understood that John Rosenbaum disappeared and no one knew what became of him. About 11 years after I moved away I met with my wife and married her- the balance of the family were all dead. I know that she is the daughter of John Rosenbaum. I knew her then and as soon as we had a talk I knew she was the same girl.

Witness

Geo M. Fortune.

his

mark

William F. Langley

Subscribed and sworn to before me this 29th day of Nov. 1899.

Frank A. Collins

Notary Public

Central Dist. I. T.

S E A I

Mrs. Lorena Langley, et al :	:	Affidavit in support of her
vs	:	claim for citizenship in the
The Choctaw Nation.	:	Choctaw Nation.

Tom York after first being duly sworn on his oath says -

I am in my seventy sixth year, a Choctaw by blood, recognized as such, and a resident of Tebuckay Co, Choctaw Nation. I was born and raised in Mississippi. I lived there until about seven years ago when I moved to this country. I knew this applicant Mrs. Langley when she was about seven years old. Her name then was Lorena Rosenbaum. Her father and mother were part white and Choctaw, but I do not know what proportion. Her father John Rosenbaum lived near where I lived and I had a chance to be well acquainted with him and his family, which at that time consisted of the father, mother and this girl. We then lived at a locality in Mississippi known as Pigeon Roost. When this applicant Mrs. Langley was about seven years old John Rosenbaum moved away and settled at another place in Tennessee, also known as Pigeon Roost. I never was at the latter Pigeon Roost country but heard that he went there. It was a well known locality. I never saw this applicant from the time they moved away until I saw her here in this country after my removal here. I would not have recognized her unless she had told me who she was. After she told me that I knew her father and what his name was I recalled the whole family and talked with her about occurrences which took place when I lived near her. I am satisfied from my talks with her that she is the same identical Lorena Rosenbaum whom I knew in her young days.

Witness
J. H. Chambers

his
Tom York, X
mark

Sworn to and subscribed before me this April 5th, 1898.

Seal.

(signed) A. Telle.
Notary Public.

Mrs. Lorena Langley, et al : Affidavit in support of claim
vs : to citizenship in the
The Choctaw Nation : Choctaw Nation.

J. D. Savage after first being duly sworn on his oath says, I am 48 years old a Cherokee and Choctaw Indian, mixed with white and a resident of Atoka County Choctaw Nation. I knew John Rosenbaum in the State of Tennessee and he was known in that country as "Choctaw Indian" by the neighbors in the country where he lived. He had a wife and three children when I knew him. The oldest was a girl Lorena by name. The other two were boys younger than Lorena. I dont know what became of the boys. John Rosenbaum and family lived near Pigeon Roost Church in a belt of country known as the Pigeon Roost Country. The Choctaws built that church and Rosenbaum lived about 3/4 of a mile from that church. About 1859 and 1860 John Rosenbaum left that country and I dont know what became of him. He left his wife and three children there. When I left that country in the fall of 1869 Lorena Rosenbaum, now Mrs. Langley was still living there. I next saw her in this the Choctaw Nation about three years ago. Her face looked natural to me but I could not just place her until her husband told me that she was a daughter of John Rosenbaum. Then I knew that she was Lorena Rosenbaum. I do not know John Rosenbaums antecedents, but am satisfied that he was an Indian from his appearance and that he was a Choctaw because he claimed to be a Choctaw and he was so recognized by all his neighbors.

(signed) J. D. Savage.

Sworn to and subscribed before me this April 5, 1898.

(signed) A. Felle,
Notary Public.

S E A L

State of Arkansas :
County of Sebastian : SS

On the 15th day of July 1899

personally appeared before me a Notary Public in and for aforesaid County and State John Baker aged sixty years a resident of Fort Smith, Arkansas, who being duly sworn states as follows, to-wit: I am personally well acquainted with Mrs. Lorena Langley whose maiden name was Lorena Rosenbaum and have known both her parents having lived close neighbors during childhood, and up to about fourteen years ago. Lorena Rosenbaum was born in the Pigeon Roost belt of country Mississippi. Her mothers name was Lucy Colbert sometimes called Lucy Johnson before her marriage to John Rosenbaum. She was part Chickasaw and part white. Rosenbaum was Choctaw and white. The family moved from Mississippi to Tennessee, Madison County. My father and family moved from Mississippi to Tennessee the year after Rosenbaum moved and found Rosenbaum and family in Madison County. Lorena was about ten years old as near as I can recollect it when the family moved from Mississippi. I have lived near neighbors to Mrs. Langley from her childhood up to about fourteen or fifteen years ago, and knew when she married Mr. Langley near thirty years ago. I have no interest in her further than to state that I know her and her parents.

(signed) J. Baker.

Subscribed and sworn to before me on the 15th day of July 1899.

(signed) Mat Gray

My commission expires Nov. 3d, Notary Public.
1902.

Lorena C. Langley
et al
vs Chickasaw Nation.

20531 : Indian Office : 1900
: Incl. No. 3 : :

Atty.

F. H. Foster
South McAlester, Ind. Tr.

Department of the Interior
Received
Mar 15 1900
No. 944
Indian Territory Division.
.....

Petition and affidavit in
application for Chickasaw
citizenship of
Lorena C. Langley.

.....
Indian Office :
9451: : 1900
: Incl. No 2 :
.....

Department of the Interior
April 24 1900
Returned with No 1412 -1900
Inclosure 1- Ind. Ter. Div.

.....
:
F I L E D :
Jun 5 1900 :
Commission to Five Tribes.

MEMORANDA.

53 Name *Sorana C. Saugley* (Date) *June 5 1900*

Choctaw? County Year No.

Chickasaw? *7-6* County Year Page

Citizen by blood? *1/8* Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

• Married under what law?

License filed this day

Names of children:

<i>17 Sarah Eliza</i>	County	Year	Page	No.
<i>15 Minnie Julia</i>	County	Year	Page	No.
<i>12 Samuel Thomas</i>	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

Repeated

Muskogee, Indian Territory, February 2, 1900.

Louis E. Langley,

Wyandotte, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of the 2nd instant wherein you state that your father was a Choctaw and your mother a Chickasaw which makes you an Indian by blood. That you desire to be informed as to your right to enrollment as a citizen of either the Choctaw or Chickasaw Nation.

You are informed that the records of the Commission show that at Galvin, Indian Territory, on August 28th, 1899, you appeared before the Commission and made application for enrollment as a citizen by blood of the Choctaw Nation and at that time after a consideration of the testimony offered by you in support of your application, the Commission refused to enroll you as a citizen of the Choctaw Nation and that subsequently thereof, on June 5th, 1900, you appeared before the Commission at Atoka, Indian Territory and made application for enrollment as a citizen by blood of the Chickasaw Nation and also applied on behalf of your children, Sarah, Eliza, Minnie, Julia and Samuel Thomas Langley. After a consideration of the testimony offered by you in behalf of such application for the enrollment of yourself and children as citizens of the Chickasaw Nation, the following decision was rendered:

"The application of yourself and your children for enrollment as citizens of the Chickasaw Nation is hereby denied for the reason that your name and the names of your children do not appear on the rolls of the Chickasaw Nation nor does it appear from your testimony

that either you or your children have ever been admitted to citizenship in the Choctaw or Chickasaw Nation by the tribal authorities of the Nation or by the legally constituted authorities of the United States."

The Commission will in a short time render a written decision stating fully therein the reason for its action in refusing to enroll you and your children as citizens of either the Choctaw or Chickasaw Nation. A copy of such decision will be mailed to you at your present post-office address.

Yours truly,

Acting Chairman.

T-R-162

9-R--24

COPY.

Muskogee, Indian Territory, February 3, 1902.

Lorena C. Langley,

McAlester, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and your three minor children, Sarah Eliza, Minnie Julia and Samuel Thomas Langley as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

RESPECTFULLY,

James E. Kirby

Acting Chairman.

1 enclosure.
Chickasaw R 24
Registered.

COPY

Muskogee, Indian Territory, February 3, 1902.

Messrs Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Lorena C., Sarah Eliza, Minnie Julia and Samuel Thomas Langley, as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED)

James L. Lloyd

Acting Chairman.

1 enclosure
Chickasaw R 24
Registered.

COPY.

Muskogee, Indian Territory, February 3, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Lorena C. Langley for the enrollment of herself and her three minor children, Sarah Eliza, Minnie Julia and Samuel Thomas Langley as citizens of the Chickasaw Nation, including the decision of the Commission, dated February 3, 1902, refusing the application for the enrollment of Lorena C., Sarah Eliza, Minnie Julia and Samuel Thomas Langley as citizens of said nation.

Respectfully,

(SIGNED.)

Tamm Darby.

Acting Chairman.

1 enclosure
Chickasaw R 24

Through the Commissioner
Of Indian Affairs.

R 24

C O P Y

Refer in reply to the following:
Land.
8473-1902

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Washington, February 15, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is inclosed herewith a report from the Acting Chairman of the Commission to the Five Civilized Tribes dated February 3, 1902, forwarding for the Department's consideration the record of proceedings in the matter of the application of Lorena C. Langley for the enrollment of herself and her three minor children Sarah Eliza, Minnie Julia and Samuel Thomas, as citizens by blood of the Chickasaw Nation.

February 3, 1902, the Commission found that the applicants were not entitled to enrollment as citizens of said nation

The record in this case shows that in 1896 the applicant applied for enrollment as a Choctaw; that her three minor children ~~above~~ named were included in said application; that her application was denied and that no appeal was taken from the decision of the Commission.

The office believes that the decision of the Commission in 1896 was final so far as the rights of these applicants to enrollment in the Choctaw nation is concerned, and as they did not make application for enrollment in the Chickasaw Nation until after the time limit fixed by the Act of June 10, 1896,

• 3 20 1902

CV

Comptroller of the Treasury, Department of the Interior, Washington, D.C.

Is the Commission recommended therefore that the

Mr. Herbert H. H.

John C. ...

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAR 14 1902

W. J. Jones

Commissioner



ACTING CHAIRMAN.

R 2nd

C O P Y

Refer in reply to the following:
Lard.
8473-1902

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Washington, February 15, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is inclosed herewith a report from the Acting Chairman of the Commission to the Five Civilized Tribes dated February 3, 1902, forwarding for the Department's consideration the record of proceedings in the matter of the application of Lorena C. Langley for the enrollment of herself and her three minor children Sarah Eliza, Minnie Julia and Samuel Thomas, as citizens by blood of the Chickasaw Nation.

February 3, 1902, the Commission found that the applicants were not entitled to enrollment as citizens of said nation.

The record in this case shows that in 1896 the applicant applied for enrollment as a Choctaw; that her three minor children ~~above~~ named were included in said application; that her application was denied and that no appeal was taken from the decision of the Commission.

The office believes that the decision of the Commission in 1896 was final so far as the rights of these applicants to enrollment in the Choctaw nation is concerned, and as they did not make application for enrollment in the Chickasaw Nation until after the time limit fixed by the Act of June 10, 1896,

they cannot be enrolled as citizens of the Chickasaw Nation under existing law. Furthermore, there is no evidence to show that the names of any of the applicants appear upon the tribal rolls in the possession of the Commission or that they have been recognized as Chickasaw citizens.

It is respectfully recommended therefore that the Commission's decision of February 3, 1902, be approved.

Very respectfully,

Your obedient servant,

W. A. JONES.

Commissioner.

GAW
D

3 inclosures.

I have

Webb City, Mo.

WE THE PEOPLE
(continued)

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THE UNIVERSITY OF CHICAGO

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10

THE HISTORY OF THE

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAR 14 1902

ACTING CHAIRMAN

C O P Y

13673

L. R. S.

J. P.

P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I.T.D. 1166-1902.

March 3, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

February 15, 1902, the Commissioner of Indian Affairs transmitted the papers in the matter of the application for enrollment of Lorena C., Sarah Eliza, Minnie Julia and Samuel Thomas Langley as citizens of the Chickasaw Nation, and recommended that your decision of February 3, 1902, rejecting said application in accordance with the act of May 31, 1900 (31 Stat., 221), be approved.

The Department affirms your decision. A copy of the Commissioner's letter is inclosed.

Respectfully,

(Signed) THOS RYAN
Acting Secretary.
END

1 inclosure.

COPY.

Muskogee, Indian Territory, March 15, 1908.

Lovene C. Langley,

Mollester, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of March 3, 1908, affirmed the decision of the Commission, dated February 3, 1908, denying the application made by you for the enrollment of yourself and your three minor children, Sarah Eliza, Minnie Julia and Samuel Thomas Langley, as citizens of the Chickasaw Nation.

Yours truly,

SIGNED: *T. B. Needles.*

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, March 15, 1902.

Messrs Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of March 3, 1902, affirmed the decision of the Commission, dated February 3, 1902, denying the application made by Lorena C. Langley, for the enrollment of herself and her three minor children, Sarah Elise, Winnie Julia and Samuel Thomas Langley, as citizens of the Chickasaw Nation.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Reclaimed

Reg. $\frac{107}{107}$



Department of the Interior.

Commissioner of the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Pending for private use

Lorena C. Langley,

McAlester, Indian Territory.

Muskogee



Chic. R-25

Chic. R-25

Commission to the Five Civilized Tribes,
Atoka, I. T., June 8, 1900,
Chickasaw 2 25

In the matter of the application of Albert H. Brown for enrollment as a Chickasaw, being sworn and examined by Commissioner Bixby he testifies as follows:

- Q What is your name? A Albert H. Brown.
Q What is your age? A Forty-three.
Q What is your post-office address? A South McAlester.
Q Do you live at South McAlester? A Yes sir.
Q Are you a Chickasaw? A Yes sir.
Q Do you make application as a Chickasaw by blood? A Yes sir.
Q What is the name of your father? A George Brown.
Q Is he living? A No sir.
Q Was he a Chickasaw? A He was a Choctaw by blood.
Q Do you know what county in the Choctaw Nation he claimed to belong to? A Smullyville County.
Q Was he ever on the Choctaw rolls? A I don't think he was; he came here in 1851..
Q But you don't think he ever got on the Choctaw rolls?
A No sir.
Q What was the name of your mother? A Louisa Hughes, before she was married.
Q Is she living? A No sir, she died the year the War broke out.
Q In the time of her life was her name on the Chickasaw rolls?
A I couldn't tell.
Q Do you know what county she claimed to belong to? A No sir.
Q How long have you lived in the Indian Territory? A All my life.
Q Have you been out of the Indian Territory during the past three years? A No sir.
Q You have been living in the Indian Territory continuously all your life? A Yes sir, principally; I have been to Texas once when I was about eighteen years old; was there about six months.
Q Have you ever been enrolled by the Chickasaw Tribal authorities?
A No sir.
Q Did you ever make application to the Chickasaw authorities for enrollment? A No sir.
Q Did you apply to the Dawes Commission in 1896 for enrollment as a Chickasaw Indian by blood? A No sir.
Q Did you apply to the Dawes Commission for enrollment as a member of any of the five Civilized Tribes? A No sir.
Q What proportion of Chickasaw blood do you claim to have?
A I reckon it is about one-fourth.
Q Are you married? A Yes sir.
Q Are you claiming any Indian citizenship for your wife?
A No sir.
Q Is she on the Cherokee rolls? A No sir.
Q What is the name of her father? A Charity Humber.
Q Is he living? A No sir, dead.
Q Was he a Cherokee? A Yes sir.
Q What is the name of your wife's mother? A I don't remember.
Q Was she Cherokee? A No sir.
Q Was she a citizen of the United States? A Yes sir.
Q Have you any children under twenty-one years of age and unmarried for whom you wish to make application? A Yes sir.
Q Give their names and ages? A My oldest girl will be twenty years old her next birth day; Corlie G. Brown; next one is Alvin; next one is Julia Brown, one boy seven years old, Julius Brown.
Q Is there any additional statement that you would like to make?
A No sir.

Examined by Choctaw Attorney Melvin Corbin

Q You have never before made application for Chickasaw citizenship?

A No sir.

Q You made no application in 1896. A No sir.

Q When did you learn you were a Chickasaw? A About a year ago.
Reminded by Gen'l Bixby:

Q You will be permitted to file evidence in the form of a Klevite or other proper papers which you may desire to present.

The application for the enrollment of yourself and family is refused, for the reason that your name and the names of your family do not appear upon the authenticated Choctaw rolls now in the possession of this Commission; for the further reason that it does not appear that you were ever admitted by the duly constituted authorities of the Chickasaw Nation, or that you have ever been admitted by the Dawes Commission under the law of 1896, or by the United States Court in the Indian Territory, and the enrollment of your wife and children is refused for the further reason that it appears from your testimony that your wife and your children are Cherokee.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case, and that the foregoing is a full, true and complete transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 7 day of June 1900.


Act'g Chairman.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Albert H. Brown for the enrollment of himself and his three minor children, Gerdie C., Annie and Julius Brown as citizens by blood of the Chickasaw Nation.

D E C I S I O N .

It appears from the record in this case that on June 5, 1900, the applicant Albert H. Brown appeared before the Commission at Atoka, Indian Territory, and made application for the enrollment of himself and his three minor children, Gerdie C. Brown, Annie Brown and Julius Brown as citizens by blood of the Chickasaw Nation.

It appears from the evidence offered in support of said application and examination of the tribal rolls of the Chickasaw Nation in the possession of the Commission that the applicants above named have never been enrolled as citizens of the Chickasaw Nation and that their names do not appear upon the tribal rolls of the Chickasaw Nation.

It further appears from an examination of the records in the possession of the Commission that these applicants have never been admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes, or the legally constituted authorities of the said Nation or the United States Court in Indian Territory on appeal in accordance with the act of Congress of June 10, 1896, (29 Stats., 321).

The act of Congress of June 28, 1898, (30 Stats, 498),
provides:

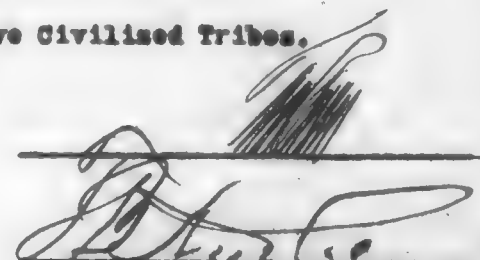
"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Creek and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900 (31 Stats., 221),
provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is therefore the opinion of this Commission that Albert H. Brown and his three minor children, Cordie C. Brown, Annie Brown and Julius Brown, are not lawfully entitled to be enrolled as members of the Chickasaw Tribe of Indians in Indian Territory and that their application as such should be refused and it is so ordered.

The Commission to the Five Civilized Tribes.


C. R. McKinstry
Commissioner

Dated at Muskogee, Indian Territory,
this JAN 24 1902

Muskogee, Indian Territory, August 7, 1901.

Mr. A. H. Brown,

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 5th instant, in which you state that you appeared before the Commission for identification as a Mississippi Choctaw in June, 1900; that you have never received any information relative to your case, and you desire now to be advised as to its present status.

You are informed that the records of this office show that no evidence was submitted in support of your application showing that your name or the names of your children had ever been upon any of the rolls of the Chickasaw Nation, or that you or your children had been admitted to citizenship in the Chickasaw Nation by either the legally constituted authorities of that Nation or by the Commission to the Five Civilized Tribes acting under the act of Congress of June 10, 1896, or by the United States Court in Indian Territory on an appeal from the decision of the tribal authorities or of this Commission. It further appears from the evidence that the mother of your children was a Cherokee Indian.

No decision by the Commission has yet been reached with reference to your final rights to enrollment, but when such a decision

A. I. 1.-1

has been rendered, a copy of the same, stating fully the reason for
any action that may be taken therein by the Commission, will be
mailed to you at your present post office address.

Yours truly,

Commissioner in Charge.

1-1 22

MEMORANDA.

4/3 *Robert Henry Brown* (Date) *June 3 1900*

Choctaw? County Year No.

Chickasaw? *ju* County Year Page

Citizen by blood? *1/4* Mother's citizenship *Chickasaw*

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw? County Year No.

Chickasaw? *Chickasaw* County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

20	<i>Constance</i>	County	Year	Page	No.
16	<i>Annix</i>	County	Year	Page	No.
7	<i>Julius</i>	County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.

Adjusted

Muskogee, Indian Territory, January 24, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Albert H. Brown for the enrollment of himself and his three minor children, Gordie C., Annie and Julius Brown, as citizens of the Chickasaw Nation, including the decision of the Commission, dated January 24, 1902, refusing the application for the enrollment of Albert H., Gordie C., Annie and Julius Brown as citizens of said nation.

Respectfully,

Acting Chairman.

1 enclosure

Chickasaw R. 25

Through the Commissioner
of Indian Affairs.

Mustache, Indian Territory, January 24, 1902.

Albert H. Brown,

South McAlester, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and your three minor children, Cordie C., Annie and Julius Brown as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Thos. Brady

Acting Chairman.

1 enclosure.
Chickasaw N. 25
Registered.

COPY

Muskogee, Indian Territory, January 24, 1902.

Messrs Mansfield, McFurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Albert H., Cordie C., Annie and Julius Brown as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Tamr Dixby

Acting Chairman.

1 enclosure.
Chickasaw R 25
Registered.

L.R.S.

12970

J.P.
P.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

I.T.D. 1120
1101-1902.

February 28, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

Your decision of January 24, 1902, rejecting the application for enrollment of Albert H., Cordie C., Annie and Julius Brown as citizens of the Chickasaw Nation, case R 25, in accordance with the act of May 31, 1900 (31 Stat., 221), is hereby affirmed, as recommended by the Commissioner of Indian Affairs in letter of February 14.

Respectfully,

Thos. Ryan
Acting Secretary.
E.M.D.

COPY.

Chickasaw R 25

Muskogee, Indian Territory, March 13, 1902.

Albert H. Brown,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of February 26, 1902, affirmed the decision of the Commission, dated January 24, 1902, denying the application made by you for the enrollment of yourself and your three minor children, Cordie C., Annie and Julius Brown as citizens of the Chickasaw Nation.

Yours truly,

(SIGNED), *T. B. Needles.*

Commissioner in Charge.

COPY.

Chickasaw R 25

Muskegee, Indian Territory, March 13, 1902.

Messrs Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of February 28, 1902, affirmed the decision of the Commission, dated January 24, 1902, denying the application made by Albert H. Brown for the enrollment of himself and his three minor children, Corcie C., Annie and Julius Brown as citizens of the Chickasaw Nation.

Yours truly,

(SIGNED). *T. B. Neelies.*

Commissioner in Charge.

7-120
9-2-22

Madame, Indian Territory, August 18, 1902.

Lee McDaniel,

Kiser, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 4th instant, complaining of the action of certain persons by the name of Brown in obtaining possession of a large tract of land in the Choctaw-Chickasaw country and as to their disposing you of certain property.

We are unable from the information contained in your letter to identify the Browns concerning whom you complain. It appears from our records, however, that on June 8, 1900, Albert H. Brown, whose post office address at that time was given as South Hollister, Indian Territory, made personal application to this Commission for the enrollment of himself and his three minor children, Gerdie C., Annie and Julius Brown, as citizens of the Chickasaw Nation. On January 24, 1902, the Commission rendered a decision refusing the application of the above named persons to be enrolled as citizens of the Chickasaw Nation, which decision was affirmed by the Secretary of the Interior February 20, 1902.

If the above named persons are the same complained of by you, you are advised that they are not in any manner entitled to recognition as citizens of the Chickasaw Nation or to maintain

L. McD--S.

possession of the tribal property of the Choctaw-Chickasaw country.

We cannot render you any opinion or advice relative to any disputes between you and any person as to the possession of any separate tracts of land in the Choctaw-Chickasaw country. Matters of this character will receive the attention of the Commission upon the establishment of an allotment office in the Choctaw-Chickasaw country for the purpose of allowing the citizens of those two tribes to make selection of and file upon their prospective allotments.

Yours truly,

Acting Chairman.

Chic.R-26

Chic.R-26

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOCA, INDIAN TERRITORY, JUNE 6, 1900.

In the matter of the application for enrollment as citizens
of the Chickasaw Nation of Harriet Montgomery, et al.

Chickasaw R 25

Harriet Montgomery, being first duly sworn, by Acting Chairman Bixby, testifies as follows.

Examined by Acting Chairman Bixby.

- Q What is your name? A Harriet Montgomery.
Q What is your age? A I don't know really my age; about forty.
Q What is your post office address? A Center.
Q Do you live at Center? A Yes sir.
Q You make application for enrollment as a Chickasaw by blood?
A My father was the Sheriff of Tishomingo County.
Q What was your father's name? A Jim McGee.
Q Is he living? A No sir.
Q Was his name on the Chickasaw rolls when he was alive? A Yes sir, he was the sheriff.
Q To what county did he belong? A Tishomingo County I reckon, that is where he held office.
Q What is the name of your mother? A Her maiden name? A Polly Strop.
Q Is she living? A No sir.
Q Was she a Chickasaw? A I don't know whether she was Chickasaw or not.
Q You don't know what county she belonged to? A No sir.
Q How long have you lived in the Indian Territory? A All my life.
Q Have you ever been outside the Indian Territory in the past three years? A No sir.
Q Have you ever been enrolled by the Chickasaw authorities? A I don't know; I thought I was enrolled when they were around.
Q Did you ever apply to the Chickasaw authorities for enrollment as a citizen of the Chickasaw Nation? A No sir.
Q Did you apply to the Commission to the Five Civilized Tribes in 1896 for admission to citizenship in the Chickasaw Nation? A No sir.
Q What proportion of Chickasaw blood do you claim to have? A My father was counted a full blood.
Q Does your husband claim to be a citizen of the Chickasaw Nation?
A No he is a white man.
Q What is his name? A My husband's?
Q Yes? A His name is S. P. Montgomery.
Q Have you any children under twenty one years of age and unmarried, for whom you wish to apply? A I have four children.
Q Give their names? A The eldest one is Harrison Beck; he is a step child of this man.
Q How old is he? A He is 11 years old.
Q Is he a white child? A His father is part Cherokee.
Q Next? A George Montgomery; he is this man's child.
Q How old is he? A He is seven.
Q Go ahead? A Bessie, four. Noubby, three months.
Q How long have you been married to Montgomery? A Ten years.
Mr. Walker Chickasaw Commissioner.
Q How long have you been living at Center? A Two years.
Q Where did you draw your Leased District money? A I didn't get it.
Acting Chairman.
Q Is there any additional statement that you would like to make besides what I have asked you; do you think of anything you would like to

state? A No, I don't know as I do.

Commissioner:

You will be permitted to offer any additional evidence in the form of statements or affidavits or other proper papers which you may desire to present. All this testimony and such papers as you may be pleased to file with the Commission will be forwarded to the Secretary of the Interior when the rolls are sent to him for approval.

Your application for the enrollment of yourself and your family is refused for the reason that your name and the names of your children are not found upon the rolls of the Chickasaw Nation in the possession of this Commission and for the reason that you were never admitted to citizenship by the tribal authorities of the Chickasaw Nation, or by a judgment of the Five Civilized Tribes under the law of 1896, or by United States Courts for the Indian Territory.

Anna Bell, being first duly sworn by Acting Chairman Bink says that as stenographer to the Commission to the Five Civilized Tribes she reported in full the testimony in the above matter, and that the above and foregoing is a correct and complete transcript of her stenographic notes in the aforesaid matter.

Anna Bell

Subscribed and sworn to before me this 11th day of June, 1900.

[Signature]
Acting Chairman.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Harriet Montgomery for the enrollment of herself and her four minor children, Harrison Beck, George Montgomery, Bonnie Montgomery and Noubby Montgomery, as citizens by blood of the Chickasaw Nation.

D E C I S I O N .

It appears from the record in this case that on June 4, 1900, the applicant, Harriet Montgomery, appeared before the Commission at Atoka, Indian Territory, and made application for the enrollment of herself and her four minor children, Harrison Beck, George Montgomery, Bonnie Montgomery and Noubby Montgomery, as citizens by blood of the Chickasaw Nation.

It appears from the evidence offered in support of said application and examination of the tribal rolls of the Chickasaw Nation in the possession of the Commission that the applicants above named have never been enrolled as citizens of the Chickasaw Nation and that their names do not appear upon the tribal rolls of the Chickasaw Nation; neither does it appear that they have been admitted to citizenship in the Chickasaw Nation by the legally constituted authorities of the said Nation.

It further appears from an examination of the records in the possession of the Commission that Harriet Montgomery applied to the Commission to the Five Civilized Tribes in 1894 for citizenship in the Chickasaw Nation for herself and three minor children, Harrison Beck, George Montgomery and Harry B. Montgomery, under the Act of Congress of June 10, 1893, and was by the Commission denied citizenship in the Chickasaw Nation for herself and her children, including

Harrison Beek, George Montgomery and Nancy B. Montgomery, applicants herein, in Chickasaw case Number 142, and that no appeal was taken from the said decision of the Commission to the United States Court in Indian Territory, within the time specified in the act of Congress of June 10, 1896, (29 Stats., 321).

The act of Congress of June 28, 1898, (30 Stats., 495), provides:

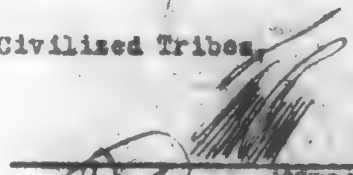
"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

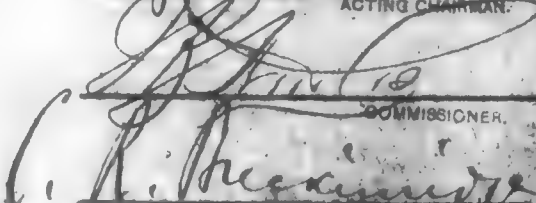
The act of Congress of May 31, 1900, (31 Stats., 221), provides:


"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is therefore the opinion of this Commission that Harriet Montgomery and her four minor children, Harrison Beek, George Montgomery, Bonnie Montgomery and Noubby Montgomery, are not lawfully entitled to be enrolled as members of the Chickasaw Tribe of Indians in Indian Territory and that their application as such should be refused and it is so ordered.

The Commission to the Five Civilized Tribes.



ACTING CHAIRMAN.


COMMISSIONER.


COMMISSIONER.

Dated at Muskogee, Indian Territory,

FEB -3 1902

IN RE

Application for Enrollment of
INFANT CHILD.

As a citizen of the

Nation.

Approved

1

Commissioner.

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Chickasaw Nation,
of Noubby Montgomery, born on the 11th day of March, 1900.
Name of father: S. P. Montgomery, a citizen of the Chickasaw Nation.
Name of mother: Harnett Montgomery, a citizen of the Chickasaw Nation.
Post Office: Center Ind. Ter

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
San District. }

I, Harnett Montgomery, on oath, state that I am 43 years of age and a
citizen, by blood, of the Chickasaw Nation; that I am the
lawful wife of S. P. Montgomery who is a citizen, by Intermarriage of the
Chickasaw Nation; that a female child was born to me on the 11th day
of March, 1900; that said child has been named Noubby Montgomery
and is now living.

Subscribed and sworn to before me this 28th day of April, 1900.

Mysses G. Skim
U.S. Comm. & Ex. Office Notary Public.
San. Dist. S.T.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
San District. }

I, F. G. Hally, a Physician, on oath, state that I
attended on Mrs. Harnett Montgomery, wife of S. P. Montgomery
on the 11th day of March, 1900; that there was born to her on said date a female child;
that said child is now living and is said to have been named Noubby Montgomery.

Subscribed and sworn to before me this 28th day of April, 1900.

Mysses G. Skim
U.S. Comm. & Ex. Office Notary Public.
San. Dist. S.T.

COMMISSIONERS.
HERBERT L. DAVIS.
TAMM BRYAN.
ADAM W. S. McKEITHEN.
THOMAS B. NEEDLER.
ALLISON L. AYLERWORTH, Secretary.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 7, 1900.

Mr. S. P. Montgomery,
Center, Indian Territory,

Dear Sir:

The Commission is in receipt of an application for enrollment as a citizen of the Chickasaw Nation of Noubby Montgomery, the infant daughter of S. P. and Harriet Montgomery. The records of this Commission do not show that any party by the name of Montgomery has ever been listed for enrollment as a Chickasaw. In the application, the mother, Harriet Montgomery, states that she is forty three years of age, and a citizen by blood of the Chickasaw Nation. If this is true, you are requested to state where and when she appeared before the Commission as an applicant for enrollment, the name under which she applied, the names of other members of her family who were applicants at the same time, and any other information that may lead to her identification as a rightful claimant for enrollment as a Chickasaw. Upon the receipt of this information, the matter of the application of Noubby Montgomery will receive further consideration.

Yours truly,


Acting Chairman.

Muskogee, Indian Territory, May 21, 1900.

Mr. Ulysses G. Winn,

Notary Public,

Center, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of May 17th, in the matter of the application for enrollment of Houbby Montgomery, the infant daughter of S. P. and Harriett Montgomery, and in which you state that she was listed for enrollment by this Commission in September, 1898, at Stonewall, under the name of Harriett McGee, and that she is the daughter of James McGee. A careful search of the records of this Commission fails to disclose that any party by the name of Harriett McGee has ever been listed for enrollment either in the Choctaw or Chickasaw Nation.

Before further attention can be given the application for enrollment of Houbby Montgomery, it will be necessary for the Commission to identify the mother as having been listed for enrollment as a citizen of one of these nations. You are therefore requested to furnish the Commission with more definite information as to the enrollment of the mother of this child, when she appeared as an applicant for enrollment, the names of other members of her family, and any other information that may lead to her identification. Upon the receipt of such information, the matter will receive further consideration.

Yours truly,

Acting Chairman

Muskogee, Indian Territory, November 21, 1900,

S. P. Montgomery,

Center, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 14th instant in which you desire to be informed whether or not you and your family are enrolled as citizens of the Chickasaw Nation.

You are informed that the records of this Commission show that Harriet Montgomery, 43 years of age, of Center, Indian Territory, the wife of S. P. Montgomery, appeared before the Commission at Atoka, Indian Territory, on June 6th, 1900 and made application for the enrollment of her self and her minor children, Harrison Beck and George, Bonnie and Neubby Montgomery as citizens by blood of the Chickasaw Nation.

The Commission at that time, after considering her oral testimony, rendered the following decision:

"Your application for the enrollment of yourself and your family is refused for the reason that your name and the names of your children are not found upon the rolls of the Chickasaw Nation in the possession of this Commission and for the reason that you were never admitted to citizenship by the tribal authorities of the Chickasaw Nation, or by a judgment of the Five Civilized Tribes under the law of 1896, or by the United States Courts for the Indian Territory."

You will at some time in the future be furnished with a written decision, stating fully the reasons for the action taken by the Commission.

Yours truly,

Muskegee, Indian Territory, January 22, 1901.

Grigsby & Grigsby,

Attorneys at Law,

Center, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 15th instant in which you desire to be informed as to the exact status of S. P. Montgomery who has been an applicant for citizenship in the Choctaw or Chickasaw Nations.

In reply to your inquiry you are informed that the records of this Commission show that under the act of Congress of June 10th, 1896, an original application for citizenship in the Chickasaw Nation was filed by a Mrs. S. P. Montgomery on behalf of herself, her son Harrison Beck by her former husband, William Beck, and her son Walter and daughter Bonnie Montgomery children by her marriage to S. P. Montgomery, and the Commission after considering the evidence submitted in support of the said application, denied their rights to citizenship in the Chickasaw Nation and there is no record of any appeal having been taken in the time prescribed by law.

It further appears from our records that on June 6th, 1900, at Atoka, Indian Territory, Harriet Montgomery, appeared before the Commission and made application for the enrollment of herself and her children, Harrison Beck, George, Bonnie and Neubby Montgomery as citizens of the Chickasaw Nation. The Commission after hearing her oral testimony at that time rendered the following decision:

2402

"The application for the enrollment of yourself and your family is refused for the reason that your name and the names of your children are not found upon the rolls of the Chickasaw Nation in the possession of this Commission and for the reason that you were never admitted to citizenship by the tribal authorities of the Chickasaw Nation or by a judgment of the Commission to the Five Civilized Tribes under the law of June 16, 1906, or by the United States Courts for the Indian Territory."

Very truly,

Acting Chairman.

D-R-24

Muskogee, Indian Territory, March 4, 1901.

Harriet Montgomery,

Tulfeat, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of the 31st of January addressed to the Honorable Secretary of the Interior and by him referred to this Commission for consideration and appropriate action.

Replying to your letter the Commission has to inform you that it appears from our records that at Atoka, Indian Territory, on June 6th, 1900, Harriet Montgomery, 43 years of age, appeared before the Commission and made application for the enrollment of herself and her four minor children, Harrison Beck, and George, Bonnie and Noubby Montgomery as citizens of the Chickasaw Nation.

After a consideration of the testimony offered by you at that time the Commission rendered the following decision:

"Your application for the enrollment of yourself and your family is refused for the reason that your name and the names of your children are not found on the rolls of the Chickasaw Nation in the possession of this Commission and for the reason that you were never admitted to citizenship by the tribal authorities of the Chickasaw Nation or by a judgment of the Commission to the Five Civilized Tribes under the act of Congress of June 10th, 1896 or by the United States Courts for the Indian Territory."

When the final rolls of citizens of the Chickasaw Nation are submitted to the Secretary of the Interior for his approval, the record in the matter of the application made by you for the enrollment of yourself and your children as citizens of the Chickasaw Nation will be forwarded to the Secretary of the Interior. We

H M 2

cannot at this time inform you with any degree of reliability as to the date of the forwarding of such rolls but until then the Commission is of the opinion that the Department would not consider the record in the matter of this application.

Yours truly,

Acting Chairman.

9-R-26

MEMORANDA.

(Date)

June 6 1899

40 Name *Harriet Montgomery*

Choctaw? County Year No.

Chickasaw? *yes* County *Tishomingo* Year Page

Citizen by blood? *1/2* Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

11	<i>Harrison Brase</i>	County	Year	Page	No.
7	<i>George Montgomery</i>	County	Year	Page	No.
4	<i>Bernice</i>	County	Year	Page	No.
3	<i>Miss Noadon</i>	County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.

Refused

COPY.

Muskogee, Indian Territory, February 3, 1902.

Harriet Montgomery,

Center, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and your four minor children, Harrison Beck, George Montgomery, Bonnie Montgomery and Noubby Montgomery, as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED).

Tame Dixey.

Acting Chairman.

1 enclosure.
Chickasaw R. 26.
Registered.

COPY.

Muskogee, Indian Territory, February 3, 1902.

Messrs Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Harriet Montgomery, Harrison Beck, George Montgomery, Bonnie Montgomery and Mauby Montgomery, as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED).

Tamo Dinty.

Acting Chairman.

1 enclosure
Chickasaw R 26
Registered

COPY.

Muskogee, Indian Territory, February 3, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Harriet Montgomery for the enrollment of herself and her four minor children, Harrison Beck, George Montgomery, Bonnie Montgomery and Noubby Montgomery, as citizens of the Chickasaw Nation, including the decision of the Commission, dated February 3, 1902, refusing the application for the enrollment of Harriet Montgomery, Harrison Beck, George Montgomery, Bonnie Montgomery and Noubby Montgomery as citizens of said nation.

Respectfully,

(SIGNED).

Tamm Dinty.

Acting Chairman.

1 enclosure
Chickasaw R 26

Through the Commissioner
of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 14 1902



ACTING CHAIRMAN.

C O P Y

Refer in reply to the following:

Land.
8473-1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Washington, February 15, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is inclosed herewith a report from the Acting Chairman of the Commission to the Five Civilized Tribes dated February 3, 1902, forwarding for the department's consideration the record of proceedings in the matter of the application of Harriet Montgomery for the enrollment of herself and her four minor children, Harrison Beck, George Montgomery, Bonnie Montgomery and Noubby Montgomery as citizens of the Chickasaw Nation.

February 3, 1902, the Commission found that the applicants were not entitled to enrollment as Chickasaw citizens.

The record in this case shows that the applicant, in 1896, applied to the Commission for enrollment in the Chickasaw Nation and that three of her children were included in said application, to wit: "Harrison Beck, George Montgomery and Nancy B. Montgomery;" that the application was denied and that no appeal from the decision of the Commission was taken. The testimony shows that Nancy B. Montgomery was but three months of age on June 10, 1900.

The office believes that the decision of the Commission of February 3, 1902, is correct and that it should be approved.

GAW
D

Very respectfully,


Your obedient servant,

W.A. Jones, Commissioner.

3 inclosures.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 14 1902



ACTING CHAIRMAN

13674

L.R.S.

J.P.
P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I.T.D.1173-1902.

March 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

February 15, 1902, the Commissioner of Indian Affairs transmitted the papers in the matter of the application for enrollment of Harriet, George, Bonnie and Noubby Montgomery and Harrison Beck as citizens of the Chickasaw Nation, and recommended that your decision of February 3, 1902, rejecting said application in accordance with the act of May 31, 1900 (31 Stat., 221), be approved.

The Department affirms your decision. Copy of the Commissioner's letter is inclosed herewith.

Respectfully,

(Signed) THOS RYAN
Acting Secretary.

1 inclosure.

FMD

COPY.

Chickasaw I 28

Muskogee, Indian Territory, March 15, 1902.

Harriet Montgomery,

Center, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of March 3, 1902, affirmed the decision of the Commission, dated February 3, 1902, denying the application made by you for the enrollment of yourself and your four minor children, Harrison Beck and George, Bonnie and Moubby Montgomery, as citizens of the Chickasaw Nation.

Yours truly,

(SIGNED).

E. D. Jenkins.

Commissioner in Charge.

COPY

Waskagee, Indian Territory, March 15, 1902.

Messrs Mansfield, Mottunray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of March 3, 1902, affirmed the decision of the Commission, dated February 3, 1902, denying the application made by Harriet Montgomery for the enrollment of herself and her four minor children, Harrison Beck and George, Bonnie and Houbby Montgomery, as citizens of the Chickasaw Nation.

Yours truly,

(SIGNED) *I. B. Needles.*

Commissioner in Charge.

Montague, Indian Territory, March 13, 1902.

S. R. Tolbert,

Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, in which you desire to be informed if Harriett Montgomery, the wife of S. P. Montgomery, appears on the rolls.

Replying to your letter you are informed that it appears from the records of this office that on June 6, 1900, Harriett Montgomery, 43 years of age, of Center, Indian Territory, the wife of S. P. Montgomery, appeared before the Commission at Atoka, Indian Territory, and made application for the enrollment of herself and her four minor children, Harrison Mack and George, Bonnie and Leaboy Montgomery, as citizens of the Chickasaw Nation.

After a careful consideration of this application, the Commission on February 21, 1902, rendered a decision refusing the application made by Harriett Montgomery for the enrollment of herself and her minor children as citizens of the Chickasaw Nation, a copy of such decision on that date being forwarded to her at Center, Indian Territory, but which letter has been returned to this office unclaimed.

2272

On March 3, 1902, the Secretary of the Interior affirmed the decision of the Commission, denying the application made by Harriett Montgomery for the enrollment of herself and her children as citizens of the Chickasaw Nation. The action of the Commission and of the Secretary of the Interior, is final.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, December 21, 1902.

Harriet Montgomery,

Glover, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Chickasaw Nation of Sturling Montgomery, infant son of S.P. and Harriet Montgomery, born March 24, 1902; and the same is returned to you herewith, for the reason that on February 5, 1902, the Commission rendered its decision refusing your application for enrollment of yourself and minor children as citizens by blood of the Chickasaw Nation, of which action of the Commission you were duly notified on that date.

On March 3, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing your said application, and you were notified of such departmental action in your case on March 15, 1902.

The right of this child being entirely dependent on the rights of its parents, the Commission is without authority to enroll it as a citizen of the Chickasaw Nation.

Sincerely,

Muskogee, Indian Territory, December 8, 1905.

I. P. Davenport,

Antlers, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 4, 1905, asking if Harriet Montgomery made application for enrollment as a citizen of the Choctaw or Chickasaw Nation and if so what disposition has been made of the case.

In reply to your letter you are advised that it appears from the records of this office that on February 3, 1902, the Commissioner to the Five Civilized Tribes rendered its decision refusing the application of Harriet Montgomery for the enrollment of herself and her children Harrison Beck, George Bonnie and Houbby Montgomery and on March 15, 1902, this decision was affirmed by the Secretary of the Interior.

Respectfully,

Acting Commissioner.

Muskogee, Indian Territory, March 17, 1906.

W.P. Stewart,

Antlers, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 13, 1906, relative to the application for the enrollment of Harriett Montgomery and her children Harrison Beck and George, Bonnie, Macubby and Sterling Montgomery.

In reply to your letter you are advised that on February 3, 1902, the Commission to the Five Civilized Tribes refused the application of Harriett Montgomery for the enrollment of herself and her children Harrison Beck and George, Bonnie and Noubby Montgomery as citizens of the Chickasaw Nation, and on March 3, 1902, this action was affirmed by the Secretary of the Interior. This case is therefore considered closed.

Respectfully,

Acting Commissioner.

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Harriet Montgomery,
Center,

Indian Territory.



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524

Aug 20
47
H7



Chic.R-27

Chic.R-27

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Atoka, Ind. Ter. June 4, 1900.

In the Matter of the Application of Mary Ann :
Hynd for Enrollment as a Citizen of the : Chick- B-27.
Chickasaw Nation. :

Mary Ann Byrd, being first duly sworn by Acting Chairman Bixby, testified as follows:

By Mr. Bixby:

Q What is your name? A Mary Ann Byrd.

Q What is your age? A 75 years old.

Q What is your postoffice address? A Caddo, I. T.

Q Do you live at Caddo? A Yes sir.

Q Do you make application as a Chickasaw Indian by blood? A I do.

Q What is the name of your father? A John Henry Poey.

Is he living? A No, he is dead.

When he was living was his name on the Chickasaw rolls? A He was

a Choctaw Mississippi Indian, right through there.

Q Do you know if his name was on the Chickasaw rolls? A Yes, I suppose it was.

Q Do you know whether it was on the rolls or not? A I was a baby---

Q You don't know them? A No, when I was a child, but he kept up his nationality.

Q How did he keep it up? A I suppose by living among them.

Q To what county in the Chickasaw Nation did he claim to belong?

Q I can't tell you; I have got our right established at Pontotoc.

Q What is the name of your mother? A Her name was Katherine Lander, before she was married to my father.

Q Is she living? A No sir.

Q Was she a Chickasaw Indian? A No, she was a white woman.

Q How long have you lived in the Ind. Ter.? A I came here 12 years ago.

Q Have you ever been outside of the Ind. Ter. since then? A No, only three days, for a visit.

Q That is the only time you have ever been out of the Iy? A Yes.

Q Have you ever been enrolled by the Chickasaw tribal authorities?

Q Have you ever been arrested by the Chicago Police?
A My name was put there, if they a'int scratched it off

Q When? A At the time I got my papers,--my certificate, they put me on their books then for I seen them do it.

on their books then for I seen them do it.
Q When was that? A It was 4 or 5 years ago

Q When was that? A It was 4 or 5 years ago, this came only once more.
Commission here.

Commission here?
Where? At Tishomingo.

Q You saw your name on the roll? A I saw them write my name, and they gave me a citizenship title--certificate I guess.

Q. And what county in the Chickasaw Nation do you belong? A. I am living here in the Chickasaw Nation.

Q What country in the Chickasaw Nation do you belong? A I don't know

When your name was put on the rolls at Tishomingo, in what county did they place you? A I forgot what county Tishomingo is in.

Q I want to get your tribal enrollment. A I forget what country it is in; it slips my mind. I can't tell you just now; I will think of it some other time.

Q Did you ever apply to the Chickasaw tribal authorities at any time that the one which you have just mentioned? A Yes, I

Q Now, the Bureau Commission? A Yes, I
Q Now, about the Bureau tribal authorities? A Yes, I

16 years ago, they said I didn't come under them

Commission to the Five Civilized Tribes,

Caddo, Indian Territory.

In the enrollment of Mary A. Byrd as a Choctaw; being sworn
and examined by Com'r McKennon she testifies as follows:

Q What is your name? A Mary A. Byrd.

Q How old are you? A I will be seventy-five the 20th day of
next month.

Q You are not on the rolls? A No sir, I never have been on
the rolls in the Nation; I am on the rolls at Washington.

Q Were your father and mother ever on these rolls here?

A No sir.

Com'r McKennon: We have no authority to put you on the
rolls at all.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify on the official oath as
stenographer to the said Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. Green

Department of the Interior,
Commission to the Five Civilized Tribes.

In the matter of the application of Mary A. Byrd for enrollment as a citizen of the Choctaw Nation.

D e c i s i o n .

The applicant, Mary A. Byrd, appeared before the Commission at Oklawaha, Indian Territory, during the month of August, 1899, and there made application for enrollment as a citizen of the Choctaw Nation.

It appears from an examination of the records in the possession of the Commission, and the evidence in this case, that the name of the applicant has never been on the tribal rolls of the Choctaw Nation; and it does not appear that said applicant has ever been admitted to citizenship in the Choctaw Nation by the tribal authorities of said Nation. It further appears from the records in the possession of the Commission and the evidence in this case, that said applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes acting under the act of Congress of June 10, 1896; or by the United States Court in Indian Territory on appeal from the decision of the tribal authorities, or the decision of the Commission.

Therefore, the application of Mary A. Byrd for enrollment as a citizen of the Choctaw Nation is hereby refused.

The Commission to the Five Civilized Tribes,
Acting Chairman.

Muskogee, Indian Territory.

This the 10th day of March, 1901.

MEMORANDA.

75 Name *Mary Ann Byrd* (Date) *June 6 1900*

Choctaw? County Year No.

Chickasaw? *Yes* County Year Page

Citizen by blood? *1/16* Mother's citizenship

Intermarried citizen?

Married under what law? *Ill*

License filed this day,

Wife's name,

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.

P.O. Childs
Father John H. Gooy
Mother Catharine Sanders

Muskogee, Indian Territory, July 6, 1900.

Dalbert L. Byrd,

Selfs, Texas,

Dear Madam:

The Commission is in receipt of your letter of June 30th, inquiring about your claim to citizenship in the Chickasaw Nation, known as the Mary Ann Tooy claim, and in which you state that you are one of the heirs of Mary Ann Byrd. You also state that you did not get a notice of the Commission's appointments at Colbert and Atoka, and desire to be informed whether it will now be necessary for you to come before the Commission at Muskogee for the purpose of making application for enrollment.

You are informed that this Commission cannot receive applications for enrollment of any description except upon the personal appearance of the parties, at which time a sufficient statement can be taken under oath, upon which this Commission can base a decision, and also for forwarding to the Honorable Secretary of the Interior, when the final rolls of the citizens of the Chickasaw Nation are sent to him for approval.

The records in this case, however, show that you are a party to the original application made by Mary Ann Byrd et al. for citizenship in the Chickasaw Nation under the act of Congress of June 10th, 1898, and that the decision of the Commission at that time was

D.L.B. 2.

adverse to such application and the rights to citizenship of the parties thereto in the Chickasaw Nation were denied, and that there is no record of any appeal ever having been taken by the interested parties in this case to the United States Court for the Indian Territory.

Mary Ann Byrd appeared before the Commission as an applicant for enrollment in the Chickasaw Nation June 6th, 1900, and from her testimony at that time the Commission was unable to enroll her and her enrollment was refused. In the judgment of the Commission rendered at that time, it was stated as follows:

"Your application for enrollment is refused for the reason that it appears from the record that you made application to this Commission in 1896 under the act of June 10th, 1896, and that your case was properly heard and that judgment was rendered by the Commission denying your application for citizenship as a member of the Chickasaw Tribe of Indians; that no appeal was taken to the United States Court in the Indian Territory, and therefore the decision of this Commission became final."

You were a party to that suit, and the judgment of the Commission in this case would apply to you the same as to Mary Ann Byrd. If, however, you still desire to make application for enrollment, the Commission will hear you at the office in Muskogee any time in the near future, prior to the forwarding of the rolls of the citizens of the Chickasaw Nation to the Honorable Secretary of the Interior for his approval.

Yours truly,

Acting Chairman.

COPY.

Muskogee, Indian Territory, February 3, 1902.

Mary Ann Byrd,

Caddo, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for enrollment as a citizen of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

yours truly,

(SIGNED).

James D. Byrd

Acting Chairman.

1 enclosure
Chickasaw R 27
Registered

COPY.

Muskogee, Indian Territory, February 3, 1902.

Messrs Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Mary Ann Byrd as a citizen of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

yours truly,

(SIGNED).

Acting Chairman.

1 enclosure
Chickasaw R 27
Registered.

COPY.

Muskogee, Indian Territory, February 3, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Mary Ann Byrd for enrollment as a citizen of the Chickasaw Nation, including the decision of the Commission, dated February 3, 1902, refusing the application for the enrollment of Mary Ann Byrd as a citizen of said nation.

Respectfully,

(SIGNED) *Tamo Doby.*

Acting Chairman.

1 enclosure
Chickasaw R 27

Through the Commissioner
of Indian Affairs.

DEPARTMENT OF THE ARMY
COMMISSION TO THE FINE ARTS COMMISSION.

FILED

MAR 12 1902

C O P Y .

Refer in reply to the following:

Land.
8473-1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, February 18, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is inclosed herewith a report from the Acting Chairman of the Commission to the Five Civilized Tribes dated February 3, 1902, forwarding for the Department's consideration the record of proceedings in the matter of the application of Mary Ann Byrd for enrollment as a citizen of the Chickasaw Nation

The record in this case shows that in 1896 the applicant applied to the Commission for enrollment in accordance with the provisions of the Act of June 10, 1896; that her application was denied and no appeal taken from the decision of the Commission.

The office believes that the Commission's action in 1896 was final so far as the right of this applicant to enrollment is concerned, and therefore respectfully recommends that its action of February 3, 1902, denying this application, be approved.

Very respectfully,

Your obedient servant,
(signed) W. A. Jones
Commissioner.

GAW
D

3 inclosures.

THE OFFICE OF THE
COMMISSIONER OF THE REVENUE

IN THE

YEAR 1900

1900

C o p y.

13671

L. R. S.

J. P.
F.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

I.T.D. 1167-1902.

March 3, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

February 15, 1902, the Commissioner of Indian Affairs transmitted the papers in the matter of the application for enrollment of Mary Ann Byrd as a citizen of the Chickasaw Nation, and recommended that your decision of February 3, 1902, rejecting said application in accordance with the act of May 31, 1900 (31 Stat., 331), be affirmed.

The Department affirms your decision. A copy of the Commissioner's letter is inclosed.

Respectfully,

(Signed) THOS RYAN
Acting Secretary
END

1 inclosure.

COPY.

Chickasaw R 87

Muskogee, Indian Territory, March 15, 1902.

Mary Ann Byrd,

Okalo, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of March 3, 1902, affirmed the decision of the Commission, dated February 3, 1902, denying the application made by you for your enrollment as a citizen of the Chickasaw Nation.

Yours truly,

(SIGNED) *I. B. Neelies.*

Commissioner in Charge.

COPY.

Chickasaw N 27

Washoe, Indian Territory, March 15, 1902.

Messrs Mansfield, Molhurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of March 3, 1902, affirmed the decision of the Commission, dated February 3, 1902, denying the application made by Mary Ann Byrd for enrollment as a citizen of the Chickasaw Nation.

Yours truly,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

9-R-27

9-R-28

Muskogee, Indian Territory, October 22, 1904.

O. P. Byrd,

Chant, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 16th instant, requesting information relative to the status of the application for enrollment of Mary Ann Fooy and her heirs, stating that you have received no information relative to the matter since the claim was placed before the Commission seven years ago.

It appears from our records that on January 24, 1902, the Commission rendered its decision refusing the enrollment of Oliver P. Byrd and his six minor children Willis Homer, Rosella May, Mary Alice, Etta Leona, Myrtle Marie, and Perry Milo Byrd, as citizens by blood of the Chickasaw Nation, and a copy of said decision was forwarded to you at Coalgate, Indian Territory, upon said date, the letter having been returned to this office marked "unclaimed". Said letter has been forwarded to you this day under separate cover.

You are kindly requested to advise this office whether or not your mother Mary Ann Byrd is still living and if so to state her present post-office address, returning your reply in the enclosed envelope which requires no postage at your earliest convenience.

Respectfully,

Enc.

Chantman

Wuskegee, Indian Territory. January 12, 1907.

B. O. Smith,

Cadie, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 6th, asking for the return of all papers in the matter of the application of Mary A. Byrd, et al, for enrollment as citizens of the Chickasaw Nation.

In reply you are advised that on February 3, 1902, the Commission to the Five Civilized Tribes rendered a decision refusing the application of Mary A. Byrd for enrollment as a citizen of the Chickasaw Nation; and on March 3, 1902, this action was approved by the Secretary of the Interior. All the original papers in this case were transmitted to the Department with the decision of February 3, 1902, and there are now only duplicate copies of the papers remaining in the files of this office.

You are advised, however, that it does not appear that any records were filed in this case except the personal testimony of Mary Ann Byrd.

You are further advised that the application of Bert O. Smith for enrollment as a citizen by blood of the Chickasaw Nation is pending.

B. O. S. #2.

asaw nation was refused by the Commission to the Five Civilized Tribes, February 3, 1902, and this action was approved by the Secretary of the Interior, March 3, 1902. It does not appear from the records of this case that any evidence was introduced other than your personal testimony and the original record was transmitted to the Secretary of the Interior together with the decision of February 3, 1902, above referred to.

Respectfully,

Commissioner

Chic. R. 28

Chic. R. 28

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Atoka, Ind. Terr., June 6, 1900.
Chick-2-28.

In the Matter of the Application of Oliver
P. Byrd et al, for enrollment as a citizen;
of the Chickasaw Nation.

Oliver P. Byrd, being first duly sworn, testified as follows:

By Mr. Bixby:

- Q What is your name? A Oliver P. Bird.
- Q What is your age? A 49 years.
- Q What is your postoffice address? A Coalgate, I. T.
- Q Do you live at Coalgate? A Yes sir.
- Q Do you make application as a Chickasaw by blood? A Yes sir.
- Q What is the name of your father? A Perry M. Byrd.
- Q Is he a citizen of the United States or a Chickasaw Indian? A United States citizen.
- Q What is the name of your mother? A Mary Ann Byrd.
- Q Is she living? A Yes sir.
- Q Is she a citizen of the Chickasaw nation? A She is supposed to be.
- Q Is her name on the Chickasaw rolls? A I think so; I will not say positively.
- Q What makes you think so?
- Note: Chickasaw rolls examined, and the name of Mary Ann Byrd is ~~found~~ not found thereon.
- Q Do you know what county in the Chickasaw Nation your mother claims to belong to? A I do not.
- Q How long have you lived in the Indian Territory? A About 3 years.
- Q Do you remember the day of the month and year upon which you first came to the Ind. Terr.? A About the 20th of Jan., 1898.
- Q Have you been outside of the Ind. Terr. since that time? A No sir.
- Q Have you ever been enrolled by the Chickasaw tribal authorities?
- A I think not.
- Q Did you ever apply to the Chickasaw tribal authorities for enrollment as a citizen of the Chickasaw nation? A I did.
- Q Were you admitted or rejected by the tribal authorities? A I never heard anything from my petition.
- Q When was that? A Sept. 7, 1896, I believe. I have got a copy of it here yet.
- Q Did you apply to the Dawes Commission in '96 for admission as a Chickasaw Indian? A Yes sir.
- Q Were you admitted or rejected? A I can't say; never had any reports from it.
- Q Was your application in the same case as your mother's? A I don't know whether it was the same case or not.
- Q What proportion of Chickasaw blood do you claim to have? A I suppose about 1/32.
- Q Are you married? A Yes sir.
- Q Do you claim citizenship for your wife? A No sir.
- Q Have you any children? A I have.
- Q Under what laws were you married? A By U. S. laws.
- Q Where? A Coalgate, Ia.
- Q When were you married? A Aug. 1, '76.
- Q What was your wife's name before she was married? A Almada Black.
- Q Is she a citizen of the United States? A Yes sir.
- Q Do you apply for citizenship for your children? A I do.

- Q What are the names of your children under 21 years of age, and unmarried, and their ages? A Willis Homer, 16, Rosells May, 13, Mary Alice, 12, Etta Leona, 9, Myrtle Marie, 7, and Perry Mills, 4.
- Q Are these children now living at home with you? A Yes sir.
- Q And their postoffice address is the same as yours? A Yes sir.
- Q Is there any other statement in regard to your case that you desire to make? A I don't know that there is.
- Q You will be permitted to offer any further evidence in the shape of statements or affidavits or any proper papers which you may desire to present to this Commission, and the testimony taken on this case and such other evidence as you may desire to file with the Commission will be forwarded to the Secretary of the Interior for his examination, when the rolls are sent up for his final approval.

Your enrollment ~~has been refused~~ and the enrollment of your children, is refused for the reason that neither your name nor the names of your children appear on the rolls of the Chickasaw Nation now in the possession of this Commission, and for the further reason that it does not appear that ~~you or your children~~ either you or your children have ever been recognized as citizens by blood of the Chickasaw Nation, nor have you, or any of your children been admitted by the Commission to the Five Civilized Tribes under the Act of June 10, 1896, or by a decision of the United States Court in the Indian Territory.

Frances R. Brown, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, she reported the testimony of the above mentioned witness, and that the foregoing testimony is a full and complete transcript of her shorthand notes in said case.

Francis R. Brown

Subscribed in my presence and sworn to before me this
7th day of June, A. D., 1900.

Acting Chairman.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Oliver P. Byrd for the enrollment of himself and his six minor children, Willis Homer, Rosella May, Mary Alice, Etta Leona, Myrtle Marie and Perry Milo Byrd, as citizens by blood of the Chickasaw Nation.

D E C I S I O N .

It appears from the record in this case that on June 6, 1900 the applicant, Oliver P. Byrd, appeared before the Commission at Atoka, Indian Territory, and made application for the enrollment of himself and his six minor children, Willis Homer Byrd, Rosella May Byrd, Mary Alice Byrd, Etta Leona Byrd, Myrtle Marie Byrd and Perry Milo Byrd, as citizens by blood of the Chickasaw Nation.

It appears from the evidence offered in support of said application and examination of the tribal rolls of the Chickasaw Nation in the possession of the Commission that the applicants above named have never been enrolled as citizens of the Chickasaw Nation and that their names do not appear upon the tribal rolls of the Chickasaw Nation.

It further appears from an examination of the records in the possession of the Commission that these applicants have never been admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes, or the legally constituted authorities of the said Nation or the United States Court in Indian Territory on appeal in accordance with the act of Congress of June

10, 1896, (29 Stats., 321).

The act of Congress of June 28, 1898, (30 Stats., 495), provides:

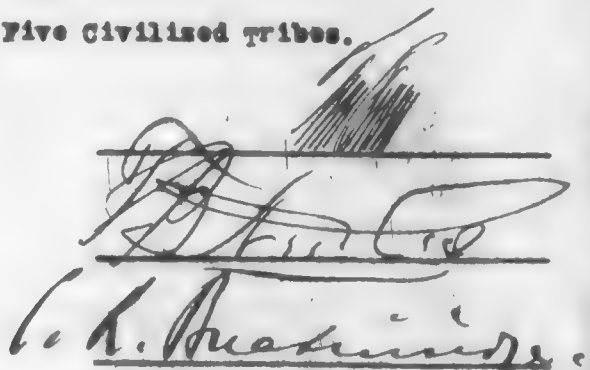
"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 221), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is therefore the opinion of this commission that Oliver P. Byrd and his six minor children, Willis Homer Byrd, Rosella May Byrd, Mary Alice Byrd, Etta Leona Byrd, Myrtle Marie Byrd and Perry Nile Byrd, are not lawfully entitled to be enrolled as members of the Chickasaw Tribe of Indians in Indian Territory and that their application as such should be refused and it is so ordered.

The Commission to the Five Civilized Tribes.



C. K. Harrison

Dated at Muskogee, Indian Territory, *Commissioners*
this JAN 24 1902

MEMORANDA.

49 Name Oliver P. Byrd (Date) June 6 1900

Choctaw? County Year No.

Chickasaw? 1/10 County Year Page

Citizen by blood? 1/32 Mother's citizenship

Intermarried citizen?

Married under what law? us Iowa

License filed this day

Wife's name, Alexander F. Black

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

	County	Year	Page	No.
16 <u>Anna Harmon</u>	<u>Byrd</u>			
14 <u>Rosetta May</u>				
12 <u>Mary Alice</u>				
9 <u>Etta Susan</u>				
7 <u>Myrtle Marie</u>				
4 <u>Phyllis Mies</u>				
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

Refused

COPY

Muskogee, Indian Territory, January 24, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Oliver P. Byrd for the enrollment of himself and his six minor children, Willis Homer, Rosella May, Mary Alice, Etta Leona, Myrtle Marie and Perry Milo Byrd, as citizens of the Chickasaw Nation, including the decision of the Commission, dated January 24, 1902, refusing the application for the enrollment of Oliver P., Willis Homer, Rosella May, Mary Alice, Etta Leona, Myrtle Marie and Perry Milo Byrd as citizens of said nation.

Respectfully,

JAMES BIXBY

Acting Chairman.

1 enclosure.
Chickasaw R 26

Through the Commissioner
of Indian Affairs.

COPY

Waskago, Indian Territory, January 24, 1902.

Oliver P. Byrd,

Coalgate, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and your six minor children, Willis Homer, Rosella May, Mary Alice, Etta Leona, Myrtle Marie and Perry Miley Byrd as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Tom Bixby

Acting Chairman.

I enclose.
Chickasaw N. 25
Registered.

COPY

Muskogee, Indian Territory, January 24, 1902.

Messrs Mansfield, McFurray & Gornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Oliver P., Willis Homer, Rosella May, Mary Alice, Etta Leona, Myrtle Marie and Perry Milo Byrd as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

James Hixey

Acting Chairman

1 enclosure.

Chickasaw P 30
Registered.

L.R.S.

12970

V.P.
F.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

I.T.D. 1129 &
1101-1902.

February 28, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

Your decision of January 24, 1902, rejecting the application for enrollment of Oliver P., Willis Homer, Rosella May, Mary Alice, Etta Leona, Myrtle Marie and Perry Milo Byrd as citizens by blood of the Chickasaw Nation, case R 28, in accordance with the act of May 31, 1900 (31 Stat., 221) is hereby affirmed, as recommended by the Commissioner of Indian Affairs in letter of February 14.

Respectfully,

Thos. Ryan
Acting Secretary.
E.M.D.

COPY.

Chickasaw R 23

Muskogee, Indian Territory, March 13, 1902.

Messrs Manafield, McMurray & Cernish,

Attorneys for the Chectaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that the Secretary of the Interior, under date of February 23, 1902, affirmed the decision of the Commission, dated January 24, 1902, denying the application made by Oliver P. Byrd for the enrollment of himself and his six minor children, Willis Homer, Rosella May, Mary Alice, Etta Leona, Myrtle Marie and Perry Milo Byrd as citizens of the Chickasaw Nation.

Yours truly,

E. D. Hedges.

(SIGNED).

Commissioner in Charge.

COMMISSIONERS
HENRY L. DAWES.
TAMM SIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

40-08
REFER IN REPLY TO THE FOLLOWING

Chickasaw R 28

Muskogee, Indian Territory, March 13, 1902.

Oliver P . Byrd,
Coalgate, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of February 28, 1902, affirmed the decision of the Commission, dated January 24, 1902, denying the application made by you for the enrollment of yourself and your six minor children, Willis Homer, Rosella May, Mary Alice, Etta Leona, Myrtle Marie and Perry Milo Byrd as citizens of the Chickasaw Nation.

Yours truly,



Commissioner in Charge.

Muskogee, Indian Territory, October 31, 1904

Oliver P. Byrd,

Chant, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of October 16, 1904, addressed to the Secretary of the Interior and by him referred to this Commission for consideration and appropriate action. Therein you ask the status of your application for enrollment as a citizen of the Chickasaw Nation. Receipt is also acknowledged of your letter of October 27, 1904, on the same subject, and asking the condition of your mother Mary Ann Byrd.

In reply to your letters you are informed that on January 10, 1902, the Commission rendered its decision refusing your application for the enrollment of yourself and your children as citizens by blood of the Chickasaw Nation, and on February 28, 1902, the Secretary of the Interior approved this action of the Commission.

You are further advised that on February 31, 1902, the Commission rendered its decision refusing the application of Mary Ann Byrd for enrollment as a citizen by blood of the Chickasaw Nation, and on March 3, 1902, the Secretary of the Interior affirmed this decision. The Commission therefore considers these cases closed.

Respectfully,

Chairman.

Wuskegee, Indian Territory. January 12, 1907.

B. O. Smith,

Gadsden, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 6th, asking for the return of all papers in the matter of the application of Mary A. Byrd, et al, for enrollment as citizens of the Chickasaw Nation.

In reply you are advised that on February 3, 1902, the Commission to the Five Civilized Tribes rendered a decision refusing the application of Mary A. Byrd for enrollment as a citizen of the Chickasaw Nation; and on March 3, 1902, this action was approved by the Secretary of the Interior. All the original papers in this case were transmitted to the Department with the decision of February 3, 1902, and there are now only duplicate copies of the papers remaining in the files of this office.

You are advised, however, that it does not appear that any records were filed in this case except the personal testimony of Mary Ann Byrd.

You are further advised that the application of Bert O. Smith for enrollment as a citizen by blood of the Chick-

B. O. S. #2.

anaw nation was refused by the Commission to the Five Civilized Tribes, February 3, 1902, and this action was approved by the Secretary of the Interior, March 3, 1902. It does not appear from the records of this case that any evidence was introduced other than your personal testimony and the original record was transmitted to the Secretary of the Interior together with the decision of February 3, 1902, above referred to.

Respectfully,

Commissioner

Chic.R-29

Chic.R-29

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Sedona, I. T., June 4, 1900.
Atoka.

Chick- B-20.

In the Matter of the Application of Bert O. Smith for Enrolment as a Citizen of the Chickasaw Nation.

Bert O. Smith, being first duly sworn by Acting Chairman Bixby, testified as follows:

By Mr. Bixby:

- Q What is your name? A Bert O. Smith.
Q What is your age? A 22 years.
Q What is your postoffice address? A Gads.
Q Do you live at Gads? A I live near Gads.
Q Do you make application as a Chickasaw Indian by blood? A Yes.
Q What is the name of your father? A Robt. B. Smith.
Q Is he living? A No sir.
Q Was he a Chickasaw Indian, or a citizen of the United States?
A Citizen of the United States.
Q What is the name of your mother? A Arilda A. Bird.
Q Is she living? A No sir.
Q Was she a Chickasaw Indian? A She was.
Q Did her name, when she was alive, appear on the rolls of the Chickasaw nation? A I don't think it did.
Q Do you know to what county in the Chickasaw nation she claimed to belong? A I do not.
Q What county do you claim to belong to? A I live in Blue Co. in the Chickasaw Nation? Do you mean what county in the Chickasaw? I didn't know it make any difference as to the county. I don't know.
Q How long have you lived in the Ind. Terr? A About 10 years.
Q Have you been outside of the Ind. Terr. during the last ten years?
A Yes, once.
Q For how long? A About 3 months.
Q When was that? A It was in '95.
Q Have you been out since? A I have been over the river, on a visit of three or four days at a time.
Q That is all? A Yes sir.
Q You have not resided outside of the Terr. in that time? A No, I have not taken any other place as my home.
Q Have you ever been enrolled by the Chickasaw Indian Authorities?
A Yes sir, I have.
Q On what rolls does your name appear? A I don't know. We was granted a certificate of citizenship in the Chickasaw council, and the disqualification of Governor Haskins made those proceedings void.
Q When was that? A I forgot the date.
Q About how long ago was it? A It has been 4, 5 or 6 years ago.
Q You have applied since then? A Yes sir.
Q To the Chickasaw tribal authorities? A No, not to the Chickasaw tribal authorities.
Q Did you apply to the Dawes Commission in '96? A Yes sir.
Q Were you admitted or rejected by the Dawes Commission? A Rejected on these grounds, I think.
Q Did you take an appeal to the U. S. court? A No, we never took an appeal because I have never received notice of our rejection in time to take an appeal.
Note: Records examined and shown; Citizenship Booklet C.-'96, p. 23, Case 184, Mary A. Bird et al. v. Chickasaw Nation; application filed Sept. 2'96; answer filed; application denied Nov. 25, '96; no record of any appeal.
Q What proportion of Chickasaw blood do you claim to have in your veins

Robert O. Smith.

1/16

A I don't know; grandma claims to be ~~2/16~~, which make me very little Indian.

Q That makes you about 1/32, don't it? A Yes sir.

Q Are you married? A Yes sir.

Q Are you claiming Chickasaw citizenship for your wife? A No sir.

Q Under what law were you married? A United States law.

Q Where? A In Texas.

Q When? A In '98.

Q Have you any children? A No sir.


Q Is there any additional statement in regard to your case that you desire to make at this time? A I don't know that there is; That would be about all I could do.

You application for enrollment as a Chickasaw Indian by blood is refused for the reason that it appears from examination of the records that you made application for citizenship by blood as a Chickasaw Indian to the Commission to the Five Civilized Tribes under the act of June 10, 1896, and that your application was denied, and that no appeal was taken from the decision of the Commission to the U. S. court for the Indian Ter. and thus, the aforesaid decision of the Commission became final.

Frances R. Brown, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes she reported the testimony of the aforesaid witness, and that the transcript in the above entitled case, is a true and complete transcript of said testimony.

Frances R. Brown

Subscribed in my presence and sworn to before me this 10th day of June, 1900.



Acting Chairman.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Bert O. Smith for enrollment as a citizen by blood of the Chickasaw Nation.

D E C I S I O N .

It appears from the record in this case that on June 6, 1900, the applicant, Bert O. Smith, appeared before the Commission at Atoka, Indian Territory, and applied for enrollment as a citizen by blood of the Chickasaw Nation.

It appears from the evidence offered in support of said application and examination of the tribal rolls of the Chickasaw Nation in the possession of the Commission that the applicant above named has never been enrolled as a citizen of the Chickasaw Nation and that his name does not appear upon the tribal rolls of the Chickasaw Nation; neither does it appear that he has been admitted to citizenship in the Chickasaw Nation by the legally constituted authorities of the said Nation.

It further appears from an examination of the records in the possession of the Commission that application for citizenship in the Chickasaw Nation was made for Bert O. Smith, the applicant herein, in 1896, in Chickasaw case Number 134, under the act of Congress of June 10, 1896; that said application was denied by the Commission, and that no appeal was taken from said decision of the Commission, within the time prescribed by the act of Congress of June 10, 1896, (29 Stat., 321).

The act of Congress of June 22, 1898, (30 Stat., 472), provides:

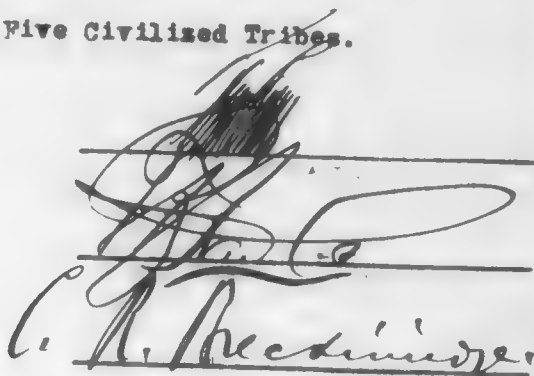
"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 221), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is therefore the opinion of this Commission that Bert O. Smith is not lawfully entitled to be enrolled as a member of the Chickasaw Tribe of Indians in Indian Territory and that his application as such should be refused and it is so ordered.

The Commission to the Five Civilized Tribes.



C. A. Redwine

Dated at Muskogee, Indian Territory,
this FEB 13

MEMORANDA.

22 Bar O. Smith (Date) June 6 1900

Checkow? County Year No.

Chickasaw? yes County Year Page

Citizen by blood? 1/64 Mother's citizenship

Intermarried citizen?

Married under what law? US Texas

License filed this day,

Wife's name,

Checkow? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

P.O. Caddo
H. R. B. Smith
M. Arilda

COPY

Waskagee, Indian Territory, February 3, 1902.

Bert O. Smith,

Caddo, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for enrollment as a citizen of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED) *Tamc Diney.*
Acting Chairman.

1 enclosure
Chickasaw R 29
Registered

Cor

Muskogee, Indian Territory, February 3, 1902.

Messrs Mansfield, McFarray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Bert O. Smith as a citizen of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

SIGNED: - J. H. H. H. H.

Acting Chairman.

1 enclosure
Chickasaw R 29
Registered.

COPY.

Muskogee, Indian Territory, February 3, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Bert O. Smith for enrollment as a citizen of the Chickasaw Nation, including the decision of the Commission, dated February 3, 1902, refusing the application for the enrollment of Bert O. Smith as a citizen of said nation.

Respectfully,

SIGNED.

James D. Doby.

Acting Chairman.

1 enclosure
Chickasaw R 29

Through the Commissioner
of Indian Affairs .

A 24

C O P Y .

Refer in reply to the following;

Land
8473-1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, February 15, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is inclosed herewith a report from the Acting Chairman of the Commission to the Five Civilized Tribes dated February 3, 1902, forwarding for the Department's consideration the record of proceedings in the matter of the application of Bert O. Smith for enrollment as a citizen of the Chickasaw Nation.

February 3, 1902, the Commission found that the applicant was not lawfully entitled to enrollment as a member of the Chickasaw tribe .

The record in this case shows that the applicant's name does not appear upon any of the tribal rolls in the possession of the Commission; that he has never been recognized as a citizen of the nation; that he made application to the Commission to the Five Civilized Tribes for enrollment in 1896 in accordance with the provisions of the act of June 10, 1896; that his application was denied, and that no appeal was taken from the decision of the Commission.

The office believes that the decision of the Commission in 1896 was final so far as the rights of this applicant is

concerned, and therefore respectfully recommend that it be approved.

Very respectfully,

Your obedient servant,

W. A. JONES.

Commissioner.

GAW
D

3 inclosures.

COMMISSION TO THE FLEET LIZED TRACES.

FILED

MAR 14 1902

13669

L. R. S.

J. P.
F.

DEPARTMENT OF THE INTERIOR

WASHINGTON.

I.T.D.1168-1902.

March 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

February 15, 1902, the Commissioner of Indian Affairs transmitted the papers in the matter of the application of Bert O. Smith for enrollment as a Chickasaw citizen, and recommended that your decision of February 3, 1902, rejecting said application in accordance with the act of May 31, 1900 (31 Stat., 221), be approved.

The Department affirms your decision. Copy of the Commissioner's letter is inclosed.

Respectfully,

(Signed) THOS RYAN
Acting Secretary.
END

1 inclosure.

Chickasaw R 29

COPY.

Muskogee, Indian Territory, March 15, 1902.

Bert O. Smith,

Caddo, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of March 3, 1902, affirmed the decision of the Commission, dated February 3, 1902, denying the application made by you for enrollment as a citizen of the Chickasaw Nation.

Yours truly,

(SIGNED):

T. E. Needles.

Commissioner in Charge .

COPY.

Chickasaw R 29

Muskogee, Indian Territory, March 15, 1902.

Messrs Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of March 3, 1902, affirmed the decision of the Commission, dated February 3, 1902, denying the application made by Bert O. Smith for enrollment as a citizen of the Chickasaw Nation.

Yours truly,

SIGNED) *T. B. Needles.*

Commissioner in Charge.

Muskogee, Indian Territory, February 6, 1907.

B. G. Smith,

Caddo, Indian Territory.

Dear Sir:

Your letter of January 8, addressed to the Secretary of the Interior has been by him referred to this office for consideration and appropriate action. Therein you state that some years ago you made application for citizenship in the Chickasaw Nation and were granted a certificate by the citizenship committee but were never accorded such rights nor placed upon the records of said Nation. You state that later your application was made to the Dawes Commission and that you were rejected and through the negligence of your attorneys failed to take an appeal from such decision within the time specified and the case was never reopened. You now ask how to proceed to secure a rehearing of your application. Receipt is also acknowledged of your letter of January 25, upon the same subject.

In reply you are advised that it appears from the records of this office that you were an applicant to the Commission to the Five Civilized Tribes for citizenship in the Chickasaw Nation under the Act approved June 10, 1896, and that application was

B.O.B.#2

rejected and that no appeal was taken from this decision within the time provided by law.

It further appears that on June 6, 1900, you made application to the Commission to the Five Civilized Tribes for enrollment as a citizen of the Chickasaw Nation and that on February 3, 1902, a decision was rendered refusing said application. On March 3, 1902, this decision was approved by the Secretary of the Interior.

Replying to that portion of your letter relative to reopening your case at this time, your attention is invited to the following provisions of the Act of Congress approved April 26, 1906.

"And no motion to reopen or reconsider any citizenship case, in any of said tribes, shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this Act, in which cases such motion shall be made within sixty days after the passage of this Act."

Respectfully,

Commissioner.

Chic.R-30

Chic.R-30

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Atoka, Ind. Ter., June 8, 1900.

In the Matter of the Application of :
Carrie A. Hammond, for Enrollment as:
a Citizen of the Chickasaw Nation. :

Chick.-R.-30.

Carrie A. Hammond, being first duly sworn by Acting Chairman
Bixby, testified as follows:

- Q What is your name? A Carrie A. Hammond.
Q What is your age? A 23 years.
Q What is your postoffice address? A Coalgate, I. T.
Q Do you live at Coalgate? A Yes sir.
Q How long have you lived at Coalgate? A About 8 months.
Q Where did you live before you lived at Coalgate? A Caddo.
Q How long have you lived in the Ind. Ter.? A About 2 years.
Q When did you first come to the Ind. Ter.? A It is not quite two years. I came in December, 1898.
Q Where did you come from? A Oscaloosa, Ia.
Q How long had you lived in Iowa? A Since I was a baby. I was born and raised there.
Q What is the name of your father? A Oliver F Byrd
Q Is he living? A Yes sir
Q Is he a Chickasaw Indian, or a citizen of the U. S.? A Chickasaw Indian.
Q Are you making application for enrollment as a Chickasaw Indian by blood? A Yes sir.
Q What proportion of Chickasaw blood runs in your veins? A Either 1/16 or 1/32. I am not sure. (Chickasaw)
Q Is your father's name on the ~~Chickasaw~~ tribal rolls at present?
A He made application this week. I don't know whether it is or not.
Q Was that the first time he made application? A No, he made it at Caddo.
Q What is the name of your mother? A Almeda Byrd.
Q Is she living? A Yes sir.
Q Is she an Indian or a citizen of the United States? A She is a white woman--citizen of the U. S.
Q What county in the Chickasaw Nation does your father claim to belong to? A He don't know. He has not lived in the Chickasaw Nation himself; he lived in Iowa; he has lived here for over a year.
Q Prior to that he lived in Iowa? A Yes sir.
Q When did you first find out that you were a Chickasaw Indian?
A I knew it ever since I was a small child.
Q What proportion of Chickasaw blood do you claim to have? A It was either 1/32 or 1/64.
Q What county in the Chickasaw Nation do you claim to belong to?
A I don't claim in any because I am living in the Chickasaw Nation at the present time.
Q If you are a Chickasaw living in the Chickasaw Nation, what designation would the Chickasaw authorities give you on the Chickasaw rolls?
A I don't know.
Q You never heard anything about that? A No sir.
Q Did you ever apply to the Chickasaw tribal authorities for enrollment? A No, I never have.
Q Did you apply to the Dawes Commission in '96? A No, but my grandmother did.
Q Was she admitted or rejected? A I don't know.
Q Are you married? A Yes sir.
Q What is the name of your husband? A John J. Hammond.
Q Indian or citizen of the U. S.? A Citizen of the U. S.
Q Are you claiming any rights for him? A No sir.
Q Have you any children? A Yes sir.

- Q Is there any additional statement in regard to your case that you would like to make at this time? A No sir.
- Q Do you wish to file any papers? A Not at present.
- Q You will be permitted to offer any additional evidence which you may desire to present. This testimony and such papers in the form of statements or affidavits as you may see fit to file with the Commission, will be forwarded to the Hon. Secretary of the Interior for this examination when the rolls of the citizens of the Chickasaw Nation are sent to him for his approval.

Your enrollment is refused for the reason that your name does not appear on the tribal rolls of the Chickasaw Nation now in the possession of this Commission, and for the further reason that it appears from the records that you have never been recognized as a citizen of the Chickasaw Nation by blood by the properly constituted tribal authorities, and you were not admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes, acting under the Act of June 10, 1896, or by a decision of the U.S. Court in the Ind. Ter. And for the additional reason that you did not remove to and become a resident in good faith of the Nation in which you claim citizenship within the time required by law.

Frances R. Brown, being first duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, she reported the testimony of the above named witness, and that the foregoing is a true and complete transcript of the testimony of said witness.

Frances R. Brown

Subscribed in my presence and sworn to before me this 18th day of July, A. D., 1900.



Acting Chairman.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

.

In the matter of the application for enrollment as a citizen of the Chickasaw Nation of Carrie A. Hammond.

.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

DECISION.

It appears from the evidence in this case that the name of the applicant does not appear on any of the Chickasaw rolls; that she was never admitted by the legally constituted authorities of the Chickasaw Nation, or by this Commission acting under the law of June 10th, 1896, or by the United States Court on appeal from the judgment of said Commission; and it further appears that the applicant did not remove to and in good faith settle in the Chickasaw Nation, prior to June 28th, 1898.

It is, therefore, the judgment of the Commission, that the application for enrollment as a Chickasaw citizen of Carrie A. Hammond be, and the same is hereby refused.

BY THE COMMISSION.



Acting Chairman.

Dated this 30 day of June, 1900

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ooOoo

In the matter of the application of Carrie A. Hammond for enrollment as a citizen by blood of the Chickasaw Nation.

: D E C I S I O N . :

It appears from the record in this case that at Atoka, Indian Territory, on June 8, 1900, the applicant, Carrie A. Hammond, made personal application to this Commission for enrollment as a citizen by blood of the Chickasaw Nation.

It does not appear from the evidence offered in support of this application and an examination of the tribal rolls of the Chickasaw Nation, in the possession of the Commission, that the applicant has ever been enrolled as a citizen of the Chickasaw Nation, nor does her name appear upon any of the tribal rolls of the Chickasaw Nation, in the possession of the Commission, nor does it appear that she has ever been admitted to Chickasaw citizenship by the legally constituted authorities of said nation.

It further appears from an examination of the records in the possession of the Commission that the applicant has never been admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stat., 381).

The act of Congress of June 28, 1898, (30 Stat., 495), provides:

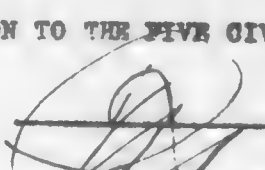
"Said commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 221) provides:


"That said commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is therefore the opinion of this Commission that Carrie A. Hammond is not lawfully entitled to be enrolled as a member of the Chickasaw Tribe of Indians in Indian Territory, and that her application as such should be refused, and it is so ordered.


COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.



Commissioner.

Dated at
Muskogee, Indian
Territory this

APR -2 1902

MEMORANDA.

23 *Carrie A Hammond* (Date) *June 8 1900*

Choctaw? County Year No.

Chickasaw *Yes* County Year Page

Citizen by blood? *1/2 2/4 4* Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.

P.O. Co al gator
Father Oliver Byrd
Mother Almida
Husband John J. Hammond
Refused

Muskogee, Indian Territory, June 28, 1900.

Garrie Hammond,

Coalgate, Indian Territory,

Dear Sir:

Your letter of June 28th, addressed to the Honorable Secretary of the Interior, has been referred to this Commission for answer. In reply to your letter, you are advised that on June 8th, 1900, you appeared before this Commission at Atoka, Indian Territory, and made application for enrollment, and your application was on that date refused. There is inclosed you herewith a copy of the decision of the Commission.

Yours truly,

Acting Chairman.

COPY.

Waskagee, Indian Territory, April 2, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Carrie A. Hammond for enrollment as a citizen of the Chickasaw Nation, including the decision of the Commission, dated April 2, 1902, refusing the application for the enrollment of Carrie A. Hammond as a citizen of said nation.

Respectfully,

(SIGNED)

C. R. Breckinridge.

Commissioner in Charge.

1 enclosure.

Through the Commissioner
of Indian Affairs.

Chickasaw R 30

COPY.

Muskogee, Indian Territory, April 2, 1902.

Carrie A. Hammond,

Coalgate, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for enrollment as a citizen of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

C. R. Breckinridge.

SIGNED

Commissioner in Charge.

1 enclosure.
Register.

Chickasaw & SO

COPY.

Muskogee, Indian Territory, April 3, 1903.

Mansfield, McFurray & Gernish,

Attorneys for Cherokee and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the Application for the enrollment of Carrie A. Hammond as a citizen of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED)

J. R. Brockbridge.

Commissioner in Charge.

1 enclosure
Register.

(COPY)

Land
20614-1902

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, April 28, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report made April 2, 1902, by C.R. Breckinridge, Esq., Commissioner in charge of the work of the Commission to the Five Civilized Tribes, forwarding the record of proceedings in the matter of the application of Carrie A. Hammond for enrollment as a citizen by blood of the Chickasaw Nation.

The record shows that the name of the applicant does not appear upon any of the tribal rolls of the Chickasaw Nation in the possession of the Commission; that she has never been admitted to citizenship by the legally constituted authorities of said nation; that she was not admitted to citizenship in said nation during the year 1896 by the Commission or by the United States court in the Indian Territory, and that she has never been recognized as a citizen of the Chickasaw Nation.

-2-

April 2, 1902, the Commission found that the applicant was not lawfully entitled to enrollment as a citizen by blood of the Chickasaw Nation and therefore denied her application.

The office believes that the Commission's decision is correct and respectfully recommends that it be affirmed.

Very respectfully,

Your obedient servant,

A.C. TONNER,

Acting Commissioner.

GAW
D

3 inclosures.

D.O. 10511-1902.

T.

Department of the Interior.

I.T.D. 2729-1902.

L.R.B.

Washington, June 19, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

April 8, 1902, the Acting Commissioner of Indian Affairs transmitted your report of April 2, 1902, in the matter of the application of Carrie A. Hammond for enrollment as a citizen by blood of the Chickasaw Nation - A 30.

April 2, 1902, you rejected the application, referring to the provisions of the act of May 31, 1900 (31 Stat., 231), because the party had never been recognized, enrolled or admitted as a citizen of the Chickasaw Nation.

The Acting Commissioner recommends that your decision be approved, in which recommendation the Department concurs, and your decision is affirmed. A copy of his letter is inclosed.

Respectfully,

E. L. Campbell,

Acting Secretary.

E. L. Campbell,

COPY.

Chickasaw R-30

Muskogee, Indian Territory, July 1, 1902.

Carrie A. Hammond,

Coalgate, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated April 2, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Chickasaw Nation,

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

COPY.

Chickasaw R-30

Muskogee, Indian Territory, July 1, 1902.

Messrs. Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 28, 1902, affirmed the decision of the Commission, dated April 2, 1902, refusing the application made by Carrie A. Hammond for the enrollment of herself as a citizen of the Chickasaw Nation.

Yours truly,

(SIGNED):

I. E. Needles.

Commissioner in Charge.



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

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Carrie, C. Hammond

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Ind. Ter.

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Chic. R-31

Chic. R-31

Commission to the Five Civilized Tribes,
Colbert, I.T., June 12, 1900.

In the matter of the application of Arthur Waldrop as a citizen of the Chickasaw Nation; Josh W. Walker being sworn and examined by Acting Chairman Bixby testifies as follows:

- Q What is your name? A Josh W. Walker.
Q What is your age? A Sixty-one.
Q Where do you live? A Up here in the Chickasaw Nation, I.T.
Q Who are you here on behalf of? A Arthur Waldrop.
Q What do you claim him to be? A A Chickasaw.
Q How old is he? A Thirteen years old.
Q What is his post-office? A Tishomingo.
Q Do you know the name of his father? A No sir, I don't.
Q Do you know the name of his mother? A Yes sir.
Q What was her name? A Jane Waldrop.
Q Was she a Chickasaw Indian? A I suppose.
Q Is she living or dead? A I couldn't tell you, I haven't heard of her in three or four years.
Q Where was she when you heard of her last? A She was in Denison.
Q Was she on the rolls of the Chickasaw Nation? A No sir.
Q Has she ever been recognized by the Chickasaws? A No sir. Not that I know of.
Q What makes you think she was a Chickasaw? A I learned from her great grandmother and her mother, I knew them, they claimed that. I raised this boy from nine months, and by his request I present it to you now.
Q Do you know anything more about it? A No sir, that is all I know.
Q All you know about the citizenship of his mother is what you have been told by the family? A Yes sir.
Q Did any recognized Chickasaw Indian ever tell you that he was a Chickasaw? A No sir.
Q You never learned from any of the Tribal authorities that he was a Chickasaw? A No sir.
Q How long has he lived in the Indian Territory? A About nine years.
Q Where was he born? A He was born in South Carolina; his great grandmother came from Mississippi I suppose.
Q Do you think of anything else you want to say in his behalf? A Nothing that I know of.
Q Have you any papers you would like to file? A Yes sir
(Papers offered and placed on file)

This testimony and such papers as you may leave with the Commission in the interest of this boy will be forwarded to the Honorable Secretary of the Interior for his consideration when the rolls of the citizens of the Chickasaw Nation are sent to him for his final approval.

Applicant: There will be some other evidence that I will want to place in.

- Q You don't claim that this boy has ever been on the rolls?
A No sir, because he has been with me ever since he was nine months old, and I know he hasn't.

Chairman Bixby to Applicant for enrollment: Your enrollment as a member of the Chickasaw Tribe of Indians is refused, for the reason that your name does not appear upon the Tribal rolls of the Chickasaw Nation now in the possession of this Commission; for the additional reason that you do not appear to have ever been recognized by the properly constituted tribal authorities as a Chickasaw Indian, and you were not admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes acting under the law of June 10th 1898, or by a judgment of the United States Courts in the Indian Territory.

Arthur Waldron 42

M.D.Green, being first duly sworn, states that as stenographer to the commission to the Five Civilized Tribes he reported the foregoing case, and that the foregoing is a full, true and complete transcript of his stenographic notes in said case.

M.D.Green

Subscribed and sworn to before me this 2 day of June 1900.


Acting Chairman.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Arthur Waldrop as a citizen by blood of the Chickasaw Nation.

D E C I S I O N .

It appears from the record in this case that on June 12, 1900, Josh W. Walker appeared before the Commission at Colbert, Indian Territory, and applied for the enrollment of Arthur Waldrop as a citizen by blood of the Chickasaw Nation.

It appears from the evidence offered in support of said application and examination of the tribal rolls of the Chickasaw Nation in the possession of the Commission that the applicant above named has never been enrolled as a citizen of the Chickasaw Nation and that his name does not appear upon the tribal rolls of the Chickasaw Nation.

It further appears from an examination of the records in the possession of the Commission that this applicant has never been admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes, or the legally constituted authorities of the said Nation or the United States Court in Indian Territory on appeal in accordance with the act of Congress of June 10, 1896, (29 Stats., 321).

The act of Congress of June 28, 1898, (30 Stats., 495), provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have

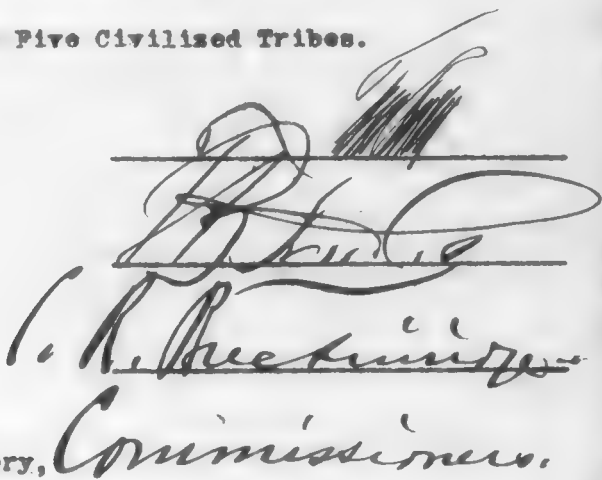
been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 221), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is therefore the opinion of this Commission that Arthur Waldrop is not lawfully entitled to be enrolled as a member of the Chickasaw Tribe of Indians in Indian Territory and that his application as such should be refused and it is so ordered.

The Commission to the Five Civilized Tribes.



C. R. Buckner
Commissioner.

Dated at Muskogee, Indian Territory,

this JAN 24 1902

Chickasaw Nation, Indian Territory, Central District.

To the Honorable Daws Commission to the Five Civilized Tribes;

Now comes J. W. Walker in the behalf of Authur Waldrup and upon his oath says that he is has the care and keeping of the said boy, and that he was given to him when an infant by his mother Jane Waldrup a 1/2 Blood Chickasaw Indian who Father and Mother I was personally acquainted with Elizeabeth and eal Waldrup, the Father and Mother of Jane and knew Eal to be a 1/2 Bo blood Indianlenial decendant from the State of Alabama and Mississippi. Elizabet was the daughter of Annie and John Mitcel, Annie Mitchel Nee Louis was a Full blood Chickasaw Indian, I know that the above named people wer Chickasaw Indian and that they wer so considered by both the white and Indians. Applicant ask that this Petition be heard and that the said Authur be Identified as a Chickasaw Indian , and declared to have a ll the right privilliges and immunities that any other Chickasas Indian might have under the Chickasaw Laws. and that he may be allowed the right of filling any and all testimony that may be needed in supporting this case.

(Signed) J. W. Walker.

Subscribed and sworn to before me a Notary Public in and for the Southern District of the Indian Territory this the 9th Day of June, 1900.

(Signed) L. D. Horton
Notary Public.

(Seal)

(Endorsed on back):

"Filed Jun 12 1900
Commission to Five Tribes."

Before me a Notary Public in and for the Southern District of Indian Territory. Personally appeared Allen Latta Who after being duly sworn deposes and says, That he is 56 years old and his Postoffice is Emet I. T. and that he is Creek Indian on the-----roll. and that he was well acquainted Jane Waldrop a 1/4 Chickasaw Indian, she was the Mother of Arthur Waldrop, the child whose name appears before the Dawes Commission for enrollment, Jane Waldrop was the Daughter of Elizabeth Waldrop and her husband Eal Waldrop, her mother Elizabeth Eal was a 1/2 blood Chickasaw Indian, and belong to the Chickasaw tribe. Elizabeth Waldrop was the daughter of John Michell and his wife Annie Michell Nee Louis, a Full blood Chickasaw Indian. Affiant says that the only object he has in making this statement is that he knows the boy to be a Chickasaw Indian and entitled to Citizenship, and that he desired to herein state that he gives this evidence upon his own free will and accord, not as a matter of profit but as a matter of right. Affiant says that the Child Arthur Waldrop is a 1/8 blood Chickasaw Indian, and now lives with J. W. Walker near Tishomingo, I. T.

(Signed) Allen Latta

Subscribed and sworn to before me a Notary Public in and for the Southern District of the Indian Territory. This the 12 day of July 1900.

(Signed) J. T. Gardner
Notary Public for the Indian Territory.

(Seal).

Before me a Notary Public in and for the Southern District of Indian Territory. Personally appeared Iampa hubby Who after being duly sworn deposes and says, That he is 76 years old and ahis Postoffice is Brownsville I.T. and that he is a Chickasaw Indian on the-----roll. and that he was well acquaint Jane Waldrup a 1/4 Chickasaw Indian, she was the Mother of Arthur Waldrup, the child whos name appeare before the Daws Commission for enrollment, Jane Waldrup was the Daughter of E lizabeth Waldrup and her husband Ear Waldrup, her Mother Elizabeth was a 1/2 blood Chickasaw Indian, and belong to the Chickasaw Tribe. Eli zabeth Waldrup was the daughter of John Michell and his wife Annie Michell Nee Louis, a Full blood Chickasaw Indian. Affiant sayd that the only object he has in making this statement is that he knows the boy to be a Chickasaw Indian and intituled to Citerzen ship, and that he desires to herein state that he gives this eviden upon his own free will and accord, not as a matter of Proffit bu as a matter of right. Affiant says that the Child Arthur Waldrup is a 1/8 blood Chickasaw Indian, and now live with J. W. Walker near Tishomingo, I. T.

(Signed) his
Iampa E hubby
mark

Witness: J. M. White.

Subscribed and sworn to before me a Notary Public in and for the Southern District of the Indian Territory. This the 14 day of July 1900.

(Signed) Robert S. Bell

Notary Public for the indian Territory.

(Seal)

Before me a Notary Public in and for the Central District of the Indian Territory,

Personally appeared Dica A. Walker, who after being duly sworn deposes and says, that she is 46 years old and her Post-office is Tishomingo, I.T. That she was well acquainted with Jane Waldrop a 1/4 Chickasaw Indian who was the Mother of Arthur Waldrop, the child whose name appears before the Daws Commission for enrollment, Affiant says that she has raised the said Arthur Waldrop since he was 9 months old, and that Jane Waldrop his Mother was the daughter of Elizabeth Waldrop and her husband Eal Waldrop, her Mother (Elizabeth) was a 1/2 blood Chickasaw Indian, and belong to the Chickasaw tribe. Elizabeth Waldrop was the daughter of John Michell and his wife Annie Michell, nee Louis a full blood Chickasaw Indian.

Affiant says that the only object she has in making this statement is that she knows the boy to be a Chickasaw Indian and entitled to Citizenship, and that she desires to herein state that she gives this evidence upon her own free will and accord, not as a matter of profit, but as a matter of right. Affiant says that the child Arthur Waldrop is a 1/8 blood Chickasaw Indian, and now lived with J. W. Walker near Tishomingo, I.T.

(Signed) her
Dica A. x Walker.
mark.

Subscribed and sworn to before me this the 16 day of July 1900.

(Signed) J. T. Crawford,

Witness: ?

Judicial Notary Public, Central district, I. T.

W. H. Lesinger
Jan A. King.

(Seal)

Endorsed on back:
9-R-31

Affidavit in Case Arthur Waldrop vs Chickasaw Nation.
Department of the Interior, Commission to the Five Civilized Tribes
Filed Jul 17 1900

Tam Bixby
Acting Chairman.

MEMORANDA.

Name Arthur Waldrop (Date) June 12, 1900.
(13) Tishomingo, I. T.

Choctaw? County Year No.

Chickasaw? yes County Year Page

Citizen by blood? yes Mother's citizenship (Chic.)

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

Names of children:

.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.

Jane Waldrop, (mother)

(Copy)

Muskogee, Indian Territory, January 24, 1902.

Messrs Mansfield, Mc Murray & Gernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Arthur Waldrop as a citizen of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,
(Signed) Tamm Bixby

Acting Chairman.

1 inclosure
Chickasaw N. 51
Registered.

-Copy-

-Copy-

Muskogee, Indian Territory, January 24, 1902.

Josh W. Walker,

Tishomingo, Indian Territory,

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of Arthur Waldrop as a citizen of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(Signed) Tams Bixby

Acting Chairman.

1 inclosure
Chickasaw R 31
Registered

-Copy-

Muskogee, Indian Territory, January 24, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Arthur Waldrop as a citizen of the Chickasaw Nation, including the decision of the Commission, dated January 24, 1902, refusing the application for the enrollment of Arthur Waldrop as a citizen of said nation.

Respectfully,

(Signed) Tams Bixby

Acting Chairman.

1 inclosure
Chickasaw R 31

Through the Commissioner
of Indian Affairs.

Copy

12970

L. R. S.

J. P.
P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

February 28, 1902.

I. T. D. 1127 &
1101-1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Your decision of January 24, 1902, rejecting the application for enrollment of Arthur Waldrop as a citizen by blood of the Chickasaw Nation, case R. 31, in accordance with the act of May 31, 1900 (31 Stat., 221), is hereby affirmed, as recommended by the Commissioner of Indian Affairs in letter of February 14.

Respectfully,

(Signed) Thos Ryan
Acting Secretary.
RMD

COPY.

Chickasaw R 31

Muskogee, Indian Territory, March 13, 1902.

Messrs Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of February 28, 1902, affirmed the decision of the Commission, dated January 24, 1902, denying the application made by Josh W. Walker for the enrollment of Arthur Waldrop as a citizen of the Chickasaw Nation.

Yours truly,

(SIGNED).

T. D. Needles.

Commissioner in Charge.

COPY.

Chickasaw R 31

Muskegee, Indian Territory, March 13, 1902.

Josh W. Walker,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of February 28, 1902, affirmed the decision of the Commission, dated January 24, 1902, denying the application made by you for the enrollment of Arthur Waldrop as a citizen of the Chickasaw Nation.

Yours truly,

(SIGNED).

T. E. Needles.

Commissioner in Charge.

Chic. R-32

Chic. R-32

D

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I.T., June 12, 1900.

P. 32

In the matter of the application of Rebecca Ellen Yell for the enrollment of herself as a Chickasaw, and for the enrollment of her husband as an intermarried Chickasaw, being sworn and examined by Acting Chairman Bixby, she testified as follows:

- Q - What is your name? A - Rebecca Ellen Yell.
Q - You claim to be a Chickasaw, do you? A - Yes, sir.
Q - What is your age? A - 65.
Q - What is your post office address? A - Shelbyville, Tenn.
Q - Have you ever lived in the Indian Territory? A - No, sir.
Q - Do you claim to be a Chickasaw Indian by blood? A - Yes.
Q - What is the name of your father? A - George Waite.
Q - Is he living? A - No, sir.
Q - Was he a Chickasaw Indian or a white man? A - He was a Chickasaw Indian, his mother was, he was half Indian.
Q - Has he ever been recognized by the Chickasaw Tribal authorities as a Chickasaw Indian? A - No, sir.
Q - What is the name of your mother? A - Nancy Warren Waite.
Q - Is she living? A - No, sir.
Q - Was she a white woman? A - Yes, sir.
Q - What county in the Chickasaw Nation did your father claim to belong to? A - I don't believe I remember.
Q - What county in the Chickasaw Nation do you claim to belong to? A - I can't answer that question.
Q - What proportion of Chickasaw Indian blood do you claim to have? A - My grandmother on my father's side was a full blood, I reckon I would be 1/4 Indian.
Q - Is your name on the present Chickasaw Tribal rolls? A - I guess not.
Q - Has your name ever been on the Tribal rolls of the Chickasaw Nation? A - I guess not.
Q - Did you ever apply to the Tribal authorities of the Chickasaw Nation for enrollment as a Chickasaw Indian by blood? A - No.
Q - Did you apply to the Commission to the Five Civilized Tribes in 1896 for enrollment to Chickasaw citizenship? A - No, sir.
Q - Is this the first application you have ever made? A - Yes, sir.
Q - Are you married? A - Yes, sir.
Q - Do you make any claim for Indian citizenship in behalf of your husband? A - I don't know whether that is right or not to make a claim for him, this is my husband here.
Q - What is your husband's name? A - Joshua C.
Q - Have you any children under 21 years of age and unmarried? A - No, sir.
Q - Is there any additional statement in regard to your case that you would like to make at this time? A - Not at present.
Q - Have you any additional statement in regard to your case that you would like to make at this time? A - Not at present.
Q - Have you any papers that you desire to file with this Commission? A - Only these papers. (Papers offered and placed on file.)
Q - In the event that you may wish to file any additional papers in regard to your case, you will be permitted to do so.
Q - Is there any other testimony that you care to offer at this time? A - I don't know of any.

Joshua C. Yell, being duly sworn and examined by Acting Chairman Bixby, testified as follows:

- Q - Have you anything to say? A - Our greatest motive for coming here was for our children and since we came here we learned that the law protected our rights and all these over 21 years; that is our greatest motive for coming here, and I thought this, that if her blood was found legal right and power, why wouldn't I feel

Rebecca Ellen Yell - 2.
this way about it, that if she gets anything or don't get anything,
I am coming here myself if I stake everything at home to do it.

Mr. Bixby: The testimony in this case and the papers which you may file, have filed or any other papers which you may be pleased to leave with the Commission will be forwarded to the honorable Secretary of the Interior for his examination and consideration when the rolls of the citizens of the Chickasaw Nation are sent to him for final approval.

Your application for enrollment as a Chickasaw Indian by blood is refused for the reason that your name does not appear upon the Tribal rolls of the Chickasaw Nation now in possession of this Commission, and it does not appear from the testimony that you have ever been recognized by the properly constituted authorities of the Chickasaw Nation as a Chickasaw Indian by blood, or that you were admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes acting under the law of June 10, 1896, or by a judgment of the United States Court in the Indian Territory, and for the additional reason that it appears from your own testimony that you have not removed to and in good faith established your residence in the Nation in which you claim citizenship prior to the 28th day of June, 1898.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witnesses and that the foregoing is a full, true and correct translation of his stenographic notes.

Sworn to and subscribed before me this the 18 day of June, 1900.



Commissioner.

864
9-R-22.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----:-----
In the matter of the application for the enrollment of Rebecca Ellen Yell as a citizen by blood, and for the enrollment of her husband, Joshua C. Yell, as a citizen by intermarriage, of the Chickasaw Nation.

--: D E C I S I O N :--

It appears from the record in this case that on June 12, 1900, Rebecca Ellen Yell appeared before the Commission at Colbert, Indian Territory, and made application for the enrollment of herself as a citizen by blood of the Chickasaw Nation and for the enrollment of her husband, Joshua C. Yell, as a citizen by intermarriage of the Chickasaw Nation.

It does not appear from the evidence in this case or the records in the possession of the Commission that either of the applicants herein has ever been enrolled by the tribal authorities of the Chickasaw Nation; neither does it appear that either of them has ever been admitted to citizenship in the Chickasaw Nation by the legally constituted authorities of said Nation; nor does it appear that either of them has ever been admitted to citizenship in said Nation by the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory, in accordance with the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321).

The act of Congress approved May 31, 1900 (31 Stat., 321), provides:

"....That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior...."


It does not appear from the evidence in this case that the applicants herein, or either of them, removed to and settled in good faith within the boundaries of Indian Territory on or before June 22, 1896.

It further appears from the record herein that the applicant, Rebecca Ellen Yell, died on August 17, 1902.

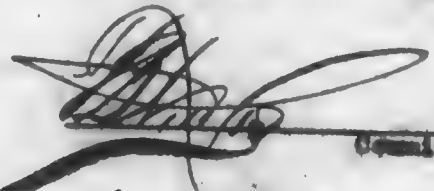
It is, therefore, the opinion of this Commission that the application for the enrollment of Rebecca Ellen Yell as a citizen by blood of the Chickasaw Nation should be dismissed, and that the

application for the enrollment of Joshua C. Yell as a citizen by intermarriage of the Chickasaw Nation, claiming said intermarried rights by virtue of his marriage to his said wife, Rebecca Ellen Yell, should be refused, under the provisions of the acts of Congress approved June 23, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 841), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



Chairman.



Commissioner.

C. R. Beechinger

Commissioner.

Washoe, Indian Territory,

Commissioner.

W. N. B. G.

COPY.

I, I. S. Marison and J. P. Marison do hereby certify that we are Intimately Acquainted with Rebecca A. Yell the wife of Joshua Yell and that she is a Daughter of George Waite D. D.. George Waites mother maiden name before her marriage was Tabitha Prior a Indian woman of the Chickasaw Tribe. this is ^{the} family record handed down in the Waite family to this present day. The Waite family has been claimed to be part Indian down to this present day by those who are Acquainted with the family.

(SEAL)

J. S. Morrison
J. P. Morrison.

STATE OF TENNESSEE

Coffee County.

Personally appeared before me W. T. Wilson a Notary Public in and for Coffee County, Tenn., J. S. Morrison and wife J. P. Morrison ages 70 years and 72 years - who made oath in due form of law that the above statements made by them in regard to the nationality of Tabitha Prior before her marriage to Robt Waite - who was the mother of George Waite are true to the best of our knowledge and belief.

Signed and sworn before

me this May 30th 1900

W. T. Wilson Notary

Public for Coffee Co. Tenn.

(Seal)

J. S. Morrison
J. P. Morrison.

COPY

I Joshua Yell hereby state the following to be the names and number of children of mine now living as follows:

Decalb Yell	J. A. Yell
Annie Yell(Now Annie Jordan)	Benjamin
B. Yell. George Yell	Bettie Yell &
Charles Yell	

State of Tennessee
Coffee County.

Personally appeared before me W. T. Wilson a Notary Public in and for Coffee County Tenn J. S. Morrison and Joshua Yell and made oath in the form of law that the above names set forth are the living children of Joshua Yell

Signed & sworn to before
me this May 30th 1900

W. T. Wilson a
Notary Public for
Coffee County Tenn.

Joshua Yell
J. S. Morrison

(SEAL)

COPY

On this 4th day of June 1900 personally appeared before me James H. Neil a Notary Public in and for said County W. V. Phillips and J. A. Stokes P. O. address Wartness Tenn well known to me and who have good reputation and entitled to full faith and credit. who being sworn according to law make oath that they are well acquainted with Joshua Yell and wife Rebecca Yell of Beaford County and have known them and their family for 22 years and we know all their living children; their names being as follows:

Decalb Yell, J. A. Yell, Annie Yell Now Annie Jordan, Benjamin B. Yell, George Yell, Bettie Yell & Charles Yell.

J. A. Stokes

W. W. Phillips

Sworn to before me

June 4 1900

James H. Neil

Notary Public.

(Seal)

Endorsed on back

Filed June 12 1900

Commission to Five Tribes

IN RE
THE DEATH OF

Rebecca A. Yell

a citizen of the

Chickasaw Nation.

Approved _____ 190_____

Commissioner

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
F I L E D
AUG 11 1903

Tams Bixby Chairman.

(Copy)

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

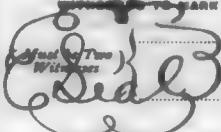
In the matter of the death of Rebecca A. Yell
(Here insert name of deceased)
a citizen of the Chickasaw Nation, who formerly resided at or near
Lone Grove, Ind. Ter., and died on the 17 day of
Aug, 1902
(Here insert name of post office)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Southern District. }

I, J. H. Smallwood, on oath state that I am 36
years of age and a citizen, by of U. S., of the _____ Nation;
that my post office address is Lone Grove Ind. Ter.; that I am
no relation of Rebecca A. Yell
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased)
who was a citizen, by Blood, of the Chickasaw Nation;
and that said Rebecca A. Yell died on the 17 day of
Aug, 1902
(Here insert name of deceased)

J. H. Smallwood



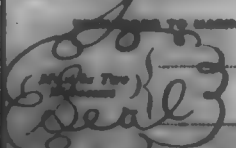
Subscribed and sworn to before me this 8 day of Aug 1903
S. E. Drummond
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Southern District. }

I, W. J. Brown, M.D., on oath state that I am 38 yrs
years of age, and a citizen, by of U. S., of the _____ Nation;
that my post office address is Lone Grove Ind. Ter.;
that I was personally acquainted with Rebecca A. Yell
(Here insert name of deceased) (Here insert name of deceased)
who was a citizen by Blood, of the Chickasaw Nation;
and that said Rebecca A. Yell died on the 17th day of
August, 1902
(Here insert name of deceased)

W. J. Brown M.D.



Subscribed and sworn to before me this 8 day of August 1903
S. E. Drummond
Notary Public.

MEMORANDA.

Name Rebecca Allen Yell. (Date) June 12 1900
 (65) Shelbyville, Tenn.
 Choctaw? _____ County _____ Year _____ No. _____
 Chickasaw? Yes County _____ Year _____ Page _____
 Citizen by blood? Yes (1/4) Mother's citizenship (N. S.)
 Intermarried citizen? _____

Married under what law? _____
 License filed this day, _____
H.

Choctaw? _____ County _____ Year _____ No. _____
 Chickasaw? _____ County _____ Year _____ Page _____
 Citizen by blood? _____ Mother's citizenship _____

Intermarried citizen? _____
 Married under what law? _____
 License filed this day (Husband) Joshua Yell.
 Names of children:

_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____

George Waite, (father) (1/2) Dead
Nancy Warner, (mother)

Muskogee, Indian Territory, February 14, 1902.

J. P. Yell,

Lonegrove, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 24, 1902, addressed to the Secretary of the Interior, Washington, D. C. and which has been referred by him to this Commission for consideration and appropriate action.

Therein you desire to be informed as to the action taken by the Department upon the application of your wife for enrollment as a citizen by blood of the Chickasaw Nation.

Replying to your inquiry you are advised that it appears from our records that at Colbert, Indian Territory, on June 13, 1900, Rebecca Ellen Yell made personal application to this Commission for the enrollment of herself as a citizen by blood and for the enrollment of her husband as a citizen by intermarriage of the Chickasaw Nation.

It does not appear that your wife has ever been enrolled as a citizen of the Chickasaw Nation by the tribal authorities thereof or that she has ever been duly and lawfully admitted to citizenship in the Chickasaw Nation by the tribal authorities thereof, the Commission to the Five Civilized Tribes or by the

JBY2

United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896.

You are advised that the Commission will in the near future take up for consideration the rights to enrollment of yourself and your wife as citizens of the Chickasaw Nation and when a decision is reached, you will be furnished with a copy thereof and the record made at the time of the said original application such evidence as has been submitted in support thereof and the decision of the Commission, will be forwarded to the Secretary of the Interior for his review.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, February 28, 1902.

J. B. Yell,

Lonegrove, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 22nd instant, in which you desire the papers in your wife's case sent to the Secretary of the Interior.

You are advised that the Commission will in the near future take up for consideration the rights to enrollment of yourself and your wife, Mary Ellen Yell, as citizens of the Chickasaw Nation and when a decision is reached, you will be furnished with a copy thereof and the record made at the time of the said original application, such evidence as has been submitted in support thereof, and the decision of the Commission, will be forwarded to the Secretary of the Interior for his review.

Yours truly,

Commissioner in Charge.

Chickasaw, 2 23

Muskogee, Indian Territory, March 23, 1902.

J. B. Tell,

Lene Grove, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 3rd instant, addressed to the Secretary of the Interior, Washington, D. C. and which has been by him referred to this Commission for consideration and appropriate action.

Therein you enclose a letter of the Commission to you dated February 14, 1902, relative to the application of your wife, Rebecca Ellen Tell, for enrollment as a citizen of the Chickasaw Nation, and state that the Commission did not inform you what has been done with your wife's papers.

You are informed that all the papers in the matter of the application of Rebecca Ellen Tell for enrollment as a citizen of the Chickasaw Nation are in the possession of the Commission. This case is now receiving the consideration of the Commission and when a decision is reached all the papers in such case will be forwarded together with the decision of the Commission, to the Secretary of the Interior.

Yours truly,

Commissioner in Charge.

Chickasaw R 32.

Muskogee, Indian Territory, October 11, 1902.

J. E. Yell,

Lonegrove, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 3, asking what has been done with the application of your wife, Rebecca A. Yell, for enrollment as a citizen by blood of the Chickasaw Nation.

In reply to your letter you are advised that the Commission now has this case under consideration, and it is probable that within the near future a decision will be rendered. As soon as a decision is reached your wife will be notified of the action of the Commission and of the forwarding of the record in the case to the Secretary of the Interior for review.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, August 1, 1903.

J. B. Yell,

Lone Grove, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 28, asking what disposition has been made of the application of your wife, Rebecca A. Yell, for enrollment, and stating that your wife died several months ago.

In reply to your letter you are advised that it appears from our records that Rebecca Ellen Yell is an applicant to this Commission for enrollment as a citizen by blood of the Chickasaw Nation, and her final right to such enrollment has not yet been determined.

For the purpose of making her death a matter of record there is inclosed you herewith blank form for proof of death, which kindly have executed and return to this office in the enclosed envelope, which requires no postage. In having the same executed be careful to see that all blanks are properly filled out, all names written in full, and that the notary

J.R.Y.-----2

public, before whom affidavits are acknowledged, affirms his name and seal to each affidavit. Signatures by mark must be attested by two witnesses.

Respectfully,

Commissioner in Charge.

Inc. D.C.

Muskogee, Indian Territory, August 11, 1903.

J. H. Smallwood,
Lone Grove, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your affidavit and that of W. J. Brown relative to the death of Rebecca A. Yell, an applicant for enrollment as a citizen by blood of the Chickasaw Nation, which occurred August 17, 1902; and the same being in proper form have been duly filed with our records as evidence of death of the above named person.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, October 31, 1903.

J. B. Yell,

Lenegrove, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 24, in which you ask the status of your wife, Rebecca A. Yell.

In reply to your letter you are informed that it appears from our records that Rebecca Ellen Yell is an applicant to this Commission for enrollment as a citizen by blood of the Chickasaw Nation, but the Commission has not yet passed upon her final right to such enrollment. As soon as a decision is reached in this case she will be notified of the action taken therein.

Respectfully,

Chairman.

Chickasaw R 32

Muskogee, Indian Territory, February 16, 1904.

J. B. Yell,

Lonegrove, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of February 10, in which you state that you have bought the improvements on certain land described as the SE/4 of the NW/4 of Section 36 T 4 R 1 W but you do not state whether the land is in Township 4 North or South. If you will furnish a correct description of said land, proper notation thereof will be made upon our records, and pending the determination of the claim of your wife, Rebecca A. Yell, for enrollment as a citizen of the Chickasaw Nation she will be notified in the event any other person makes application therefor.

Respectfully,

Commissioner in Charge.

Chickasaw R 32

Muskogee, Indian Territory, February 27, 1904.

J. H. Yell,

Lonegrove, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of February 20, stating that the land on which you have improvements and which you desire to select for your wife, Rebecca Allen Yell, is the SE/4 of the NW/4 of Section 36 T 4 S R 1 W, and you ask that this land be reserved for her.

In reply to your letter you are advised that the Commission is not making reservations of the lands of the Choctaw and Chickasaw Nations for the citizens and freedmen of said nations. A notation has been made upon our records to the effect that your wife, Rebecca Allen Yell has improvements on this tract of land and in the event any other person makes application for said land you will be notified and permitted to institute contest therefor, provided the claim of your wife for enrollment as an intermarried citizen of the Chickasaw Nation is still pending before the Commission or the Department.

Respectfully ,

Commissioner in Charge.

Chickasaw R 32

Muskogee, Indian Territory, February 27, 1904.

Commissioner in charge,

Chickasaw Land office,

Tishomingo, Indian Territory,

Dear Sir:

There is inclosed you herewith a plat designating the SE/4 of the NW/4 of section 36 T 4 S R 1 W, Chickasaw Nation, as land which it is desired to select in allotment for Rebecca Allen Yell, deceased, by her husband, J. B. Yell.

You are informed that it appears from our records that these persons are applicants for enrollment in the Chickasaw nation whose claims have not yet been disposed of, and Mr. Yell has this day been advised that proper notation would be made upon our records of his claim to this land and in the event any other person made application therefor he would be notified and would be permitted to institute contest provided the claim of his wife was still pending before the Commission and the Department.

You are therefore requested to notify Mr. J. B. Yell, at Longgrove, Indian Territory, of any application made for the land above described, prior to the decision of the Commission and action by the Department on the case of his wife, Rebecca Allen Yell.

Respectfully,

Muskogee, Indian Territory, May 11, 1904.

J. E. Yell,

Lone Grove, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 4, in which you ask if a notation will be made upon the records of the Commission of the entire amount of land which your wife, desires to select in allotment when her enrollment is approved.

In reply to your letter you are informed that if you will forward a description of the land upon which your wife, Rebecca Allen Yell has improvements and which she desires to select as her allotment, proper notation will be made thereof upon our records, and pending determination of her right to citizenship she will be notified in the event any other person makes application for the same land and will be permitted to institute contest proceedings therefor.

Respectfully,

Chairman.

Muskogee, Indian Territory, June 16, 1904.

J. B. Yell,

Lonegrove, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 23, 1904, in which you state that you have improvements on certain lands which you desire to select in allotment.

In reply to your letter you are informed that the Commission has on this day rendered its decision refusing the application for the enrollment of Rebecca Ellen Yell and her husband, J. B. Yell, as citizens of the Chickasaw Nation, a copy of which has been forwarded you this day by registered mail.

Respectfully,

Chairman.

9-2-32

Muskogee, Indian Territory, June 16, 1904.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory.

Dear Sir:

There is enclosed herewith plat and description of the land claimed by J. B. Yell, in the Chickasaw Nation for himself and his wife, Rebecca Ellen Yell and you are requested to make proper notation upon your records of their claim to the land described therein.

You are informed that their names appear upon Chickasaw R 32, and that on this day the Commission rendered a decision refusing their application for enrollment as citizens of the Chickasaw Nation, and the record in this case has been forwarded to the Secretary of the Interior. Pending the action of the Secretary of the Interior you are requested to make proper notation of their claim to the land described.

Respectfully,

Chairman

Chickasaw R-32

COPY.

Muskogee, Indian Territory, June 16, 1904.

Joshua C. Yell,

Lone Grove, Indian Territory,

Dear Sir:-

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered June 16, 1904, refusing your application for enrollment as a citizen of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED)

Tame Bixby.

Chairman.

Registered

Incl.-9-H-32.

COPY:

Muskogee, Indian Territory, June 16, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:-

Inclosed herewith you will find a copy of the decision of this Commission, rendered June 16, 1904, refusing the application for the enrollment of Joshua C. Yell as a citizen of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

Incl. 9-R-32.

COPY.

Muskogee, Indian Territory, June 16, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by Joshua C. Yell for enrollment as a citizen of the Chickasaw Nation, including the decision of the Commission dated June 16, 1904, denying said application.

Respectfully,

(SIGNED)

Tame Bixby.

Chairman.

Through the

Commissioner of Indian Affairs.

Incl. 9-R-32.

Chickasaw R-32.

Muskogee, Indian Territory, August 3, 1904.

J. B. Yell,

Lonegrove, Indian Territory.

Dear Sir:

Your letter of July 14, addressed to the Secretary of the Interior, has been by him referred to the Commission for consideration and appropriate action. Therein you state that you have been informed the Commission refused to enroll your wife, Rebecca Allen Yell, for the reason that their records did not show that she had a permit from the United States Court in Indian Territory.

In reply to your letter, you are informed that it appears from our records that the Commission refused your application for enrollment as an intermarried citizen of the Chickasaw Nation for the reason that it did not appear from the evidence in the case that you or your wife, Rebecca Ellen Yell, had been enrolled by the tribal authorities of the Chickasaw Nation, nor does it appear that they have been admitted to citizenship in the Chickasaw Nation by the legally constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes or the United States Courts in Indian Territory.

It further appears that Rebecca Ellen Yell died August 17, 1903, and, under the provisions of the Act of Congress approved July 1, 1903, no person is entitled to enrollment in the Chickasaw and

J B Y 2.

Chickasaw Nations who died prior to September 25, 1902, the date of the ratification of the Act of Congress above referred to by the Choctaw and Chickasaw Nations. The application for her enrollment as a citizen by blood of the Chickasaw Nation was therefore dismissed.

Respectfully,

Commissioner in Charge.

(C O P Y)

LAND 40504- 1904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, August 20, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commission to the Five Civilized Tribes, dated January 16, 1904, transmitting the application of Joshua C. Yell, for enrollment as a citizen of the Chickasaw Nation, including the Commission's decision of June 16, 1904, denying the application.

June 12, 1900, Rebecca Ellen Yell made application to the Commission for the enrollment of herself as a citizen by blood of the Chickasaw Nation and for the enrollment of her husband, Joshua C. Yell, as an intermarried citizen. Rebecca Ellen Yell died August 17, 1902, and is not therefore entitled to enrollment as a citizen by blood of the Chickasaw Nation. The record in the case does not show that either of the applicants was ever enrolled by the tribal authorities, the Commission, the Court, or that they removed to and in good faith settled in the Choctaw Chickasaw Country prior to June 28, 1898. June 12, 1900, Rebecca Ellen Yell gave her Post office address as Shelbyville, Tenn.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

W.A. Jones.

Commissioner.

S.A.W.-L-10

(C O P Y)

D.C. 31474

DEPARTMENT OF THE INTERIOR,

W.C.F.

I.T.D. 6772-1904.

W A S H I N G T O N .

THE

IRS

August 26, 1904.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

June 16, 1904, you transmitted the record in the matter of the application for the enrollment of Joshua C. Yell as a citizen of the Chickasaw Nation, including your decision of the same date, denying said application.

Reporting in the matter August 20, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(signed) Thos Ryan

Acting Secretary.

1 inclosure.

9-R-32

COPY.

Muskogee, Indian Territory, September 26, 1904.

Joshua C. Yell,

Lonegrove, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on August 26, 1904, affirmed the decision of the Commission dated June 16, 1904, refusing your application for enrollment as a citizen by intermarriage, and dismissing the application for the enrollment of Rebecca Ellen Yell, as a citizen by blood of the Chickasaw Nation.

Respectfully,

SIGNED

Tams Bixby.

Chairman.

COPY.

Muskogee, Indian Territory, September 26, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw & Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that the Secretary of the Interior on August 26, 1904, affirmed the decision of the Commission dated June 16, 1904, refusing the application for the enrollment of Joshua C. Yell, as a citizen by intermarriage, and dismissing the application for the enrollment of Rebecca Ellen Yell, as a citizen by blood of the Chickasaw Nation.

Respectfully,

SIGNED

James Bixby.

Chairman.

Muskogee, Indian Territory, September 27, 1904.

J. B. Yell,

Lone Grove, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of September 18, asking if you will be allowed to purchase the land on which you have erected improvements as your claim has been denied. You also request that your wife's papers be returned.

In reply to your letter you are advised that the purchase of land in the Choctaw and Chickasaw Nations is one which does not come within the jurisdiction of the Commission and it is, therefore, impracticable to give you any information on this subject.

Relative to your wife's application for enrollment as a citizen by blood of the Chickasaw Nation, you are advised that the original record in this case was transmitted to the Secretary of the Interior and has not been returned to the Commission. Requests for the return of any of such papers should be addressed to the Secretary of the Interior.

Respectfully,

Chairman.

Muskogee, Indian Territory, October 1, 1904.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory,

Dear Sir:

You are hereby advised that on August 26, 1904, the Secretary of the Interior affirmed the decision of the Commission dismissing the application for the enrollment of Rebecca Ellen Yell as a citizen by blood of the Chickasaw Nation and refusing the application of Joshua C. Yell for enrollment as a citizen by intermarriage of said nation.

Respectfully,

Chairman.

COMMISSIONERS:
TAMM HENRY,
THOMAS S. HENKLE,
C. E. WICKENBURGH.

WM. G. BRALL,
Secretary.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

4008

REPORT IN REPLY TO THE FOLLOWING:
Chickasaw N 32

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 29, 1904.

Mrs. Bettie P. Yell,

Tupelo, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter without date to Judge Foot, which has been by him referred to the Commission for consideration and reply. Therein you ask if your father, J. B. Yell, will not be permitted to make selection of allotments for himself and his wife, Rebecca Allen Yell.

In reply to your letter you are advised that on June 16, 1904, the Commission dismissed the application for the enrollment of Rebecca Ellen Yell, she having died prior to September 25, 1902, the date of the final ratification by the citizens of the Choctaw and Chickasaw Nations of the act of Congress approved July 1, 1902, and refused the application of her husband, Joshua C. Yell, for enrollment as an intermarried citizen of the Chickasaw Nation, which action was approved by the Secretary of the Interior August 26, 1904.

Respectfully,



Chairman.

Chic. R. 33

Chic. R. 33

Commission to the Five Civilized Tribes,

Atoka, Indian Territory,

In the application of Susan Jester for enrollment as a Chickasaw; being sworn and examined by Gen'r McKennon she testifies:

Q What is your name? A Susan Jester.

Q How old are you? A Thirty-five.

Q You are not on the Choctaw rolls here? A No sir, not my parents didn't here, - if they was ever put on the roll, me or them either, it was in Mississippi.

Q When did you come from the State of Mississippi?

Q I was born in Mississippi and was brought to Arkansas when I was an infant.

Q When did you leave Arkansas? A I have been in the Territory four years.

Q Did you come here from Arkansas? A Yes sir, four years ago.

Q Where have you been living in the Territory? A I have been living at Ardmore, and on Red River, and I have been living at Sulphur Springs.

Q You have lived here all of the time since you came here?

A Yes sir.

Q You lived in Arkansas pretty much all of your life? A Yes sir.

I claim as a Chickasaw; my father and mother was Chickasaw.

Gen'r McKennon: You are not on the Chickasaw rolls, and never have been, nor the names of your father and mother; enrollment will be refused.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer and duly sworn Commissioner, that this transcript is a true, full and correct translation of the stenographic notes.

W. M. McKennon

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I. T., June 12, 1900.

33

In the matter of the application of Susan Jester for enrollment as a Mississippi Chickasaw; being sworn and examined by Act'g Chairman Bixby she testifies as follows:

- Q What is your name? A Susan Jester.
- Q How old are you? A Thirty-six.
- Q What is your post-office address? A Sulphur Springs, I. T.
- Q How long have you lived at Sulphur Springs? A I have lived there quite a while.
- Q How long is that? A I have lived there some three or four months.
- Q Where did you live before that? A At Davis; I bought me a house there to hold a lot there.
- Q How long did you live at Davis? A I lived there during the winter.
- Q Where did you live before that? A At Ardmore.
- Q How long did you live at Ardmore? A I lived there one winter and a part of the summer.
- Q How long have you lived in the Indian Territory? A Near four years.
- Q Where did you live before you came to the Indian Territory? A In Texas.
- Q How long did you live in Texas? A I lived there some near seventeen or eighteen years.
- Q Where were you born? A In Mississippi.
- Q How old were you when you left Mississippi? A I was an infant, near three years old.
- Q What is the name of your father? A William Fagans.
- Q Is he living? A No sir, he is dead.
- Q Was he a Chickasaw Indian? A Yes sir.
- Q What proportion of Choctaw Indian blood did he claim to have? A I suppose he was near a half-breed; my grandfather was a full-blood.
- Q Was his name on the Tribal rolls of the Chickasaw Nation? A If it was it was in Mississippi, it wasn't here.
- Q Did the Tribal authorities of the Chickasaw Nation ever recognize him as a Chickasaw Indian? A I reckon they did. I was small and couldn't tell; my parents died when I was small, and my brother raised me.
- Q What is the name of your mother? A My mother's name was Catherine Wiley.
- Q She living? A No sir, she has been dead a number of years.
- Q Was she a white woman? or an Indian? A She was a Chickasaw and white.
- Q What proportion of Chickasaw blood did she claim to have? A I suppose she must have been a half-breed.
- Q Was she recognized by the Chickasaw authorities as being a Chickasaw Indian? A She was known as a Chickasaw Indian, but whether she had any rights to any property I couldn't tell you, for I was small.
- Q What proportion of Chickasaw blood do you claim to have? A I should think to the best of my knowledge I must be half-breed.
- Q Have you ever been recognized by the Tribal authorities of the Chickasaw Nation as being a Chickasaw Indian? A I have always been recognized as a Chickasaw Indian but never to the rights or privileges of the Territory.
- Q You have never been on the rolls? A No sir.
- Q Did you ever apply to the Tribal authorities for admission? A Yes sir.
- Q Were you admitted or rejected? A I was rejected.
- Q Did you ever appeal to the United States Court? A Yes sir.

Q What action did the Court take? A They taken action on my papers.

Q Did they reject you? A No sir, they haven't accepted me so far.

Q The United States Court? A I reckon it is the United States Court.

Q Did you apply to the Dawes Commission in 1896? A Yes sir.

Q What did the Dawes Commission do? A They reject d me.

Q Did you take an appeal from the decision of the Dawes Commission to the United States Court? A Yes sir.

Q What did the United States court do in that case? A They accepted me so far, as well as I understand it.

Q Have you a copy of the judgment of the United States Court?

A Yes sir, papers of same description, I haven't read them, I reckon that's what they call for.

(Applicant produces papers.)

Q Your papers reciet that you applied to the Dawes Commission in 1896; did you mean when you made the statement a few moments ago that you applied to the Dawes Commission you were mistaken, you meant in 1899 at Atoka? A Yes sir, I was mistaken.

Q We find now that you did apply to the Dawes Commission also?

A Yes sir I reckon I did, stranger, I don't remember.

Q But the decision of the Commission was against you, your application was denied, and it does not appear that you took an appeal to the United States court.

Record Examined: 1896 Citizenship Docket "C", page 10,

Chickasaw case 54, Susan Jester et al vs Chickasaw Nation.

Application filed September 3rd, 1896. Answer of the Chickasaw Nation filed. Application denied by the Commission November 10th, 1896; no record of any appeal.

Q Are you married? A I have been; my husband is dead.

Q Have you any children? A Yes sir.

Q You wish to make application for your children? A Yes sir.

Q What are the names and ages of your children? A Catherine twenty years old; Ellen, seventeen years old; William, fifteen years old; Cornelius, twelve years old; Idella, eleven years old; Nellie, ten years old; Wilburn, eight years old.

Q What was the name of their father? A Henry Jester.

Q Was he a white man? A Yes sir.

Q When you applied to the Dawes Commission in 1896 did you apply for all your children too? A Yes sir.

Q Is there any additional statement that you would like to make at this time in regard to your case? A Nothing more than I have said.

Q Are there any papers you would like to file? A None only those I have produced.

This testimony and the papers which you have offered will be forwarded to the Honorable Secretary of the Interior for his examination and consideration when the rolls of the citizens of the Chickasaw Nation are sent to him for final approval.

Examined by Attorney Pool:

Q In 1896, that has been four years ago; past, in September, where did you read de then, did you read de in the Territory or in some state? A I was in the Territory.

Q You was in the Territory then? A Yes sir.

Q When you made application who was your attorney before the Dawes Commission in 1896? A There was a lawyer taken the case and said he would put it before the Dawes Commission.

Q Who was it? A I knew him here a few minutes ago. He lived at Tishomingo.

Q Did you live in the Indian Territory when he took your case?

A Yes sir, I was living near Tishomingo.

Acting Chairman Bixby: The enrollment of yourself and your children as Chickasaw Indian by blood is refused; for the reason

Mass. Foster 22

that it appears from the testimony that the names of either you or your children do not appear on the tribal rolls of the Chickasaw Nation now in the possession of this Commission, and for the further reason that it does not appear that either you or your children have ever been recognized by the properly constituted authorities of the Chickasaw Nation as Chickasaw Indians by blood, and for the additional reason that it appears from the record that you and your children made application to the Commission to the Five Civilized Tribes acting under the law of June 10th 1896 for admission as to citizenship in the Chickasaw Nation, and upon consideration of your application the same was denied as to you and your children. And it appears from the record that you did not take an appeal to the United States Court for the Indian Territory within the time provided by law, and therefore the judgment of the Commission to the Five Civilized Tribes is final.

H.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case, and that the foregoing is a full, true and complete transcript of his stenographic notes in said case.

M.D. Green

Subscribed and sworn to before me this 15 day of June 1900.


Acting Chairman.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Susan Jester for the enrollment of herself and her seven minor children, Catherine, Ellen, William, Cornelius, Idella, Nellie and Wilburn Jester as citizens by blood of the Chickasaw Nation.

D E C I S I O N .

It appears from the record in this case that in August, 1899, the applicant, Susan Jester, appeared before the Commission at Atoka Indian Territory, and made application for enrollment as a citizen by blood of the Chickasaw Nation; and that on June 12, 1900, the applicant Susan Jester again appeared before the Commission, at Colbert, Indian Territory, and applied for the enrollment of herself and her seven minor children, Catherine Jester, Ellen Jester, William Jester, Cornelius Jester, Idella Jester, Nellie Jester and Wilburn Jester as citizens by blood of the Chickasaw Nation.

It appears from the evidence offered in support of said application and examination of the tribal rolls of the Chickasaw Nation in the possession of the Commission that the applicants above named have never been enrolled as citizens of the Chickasaw Nation and that their names do not appear upon the tribal rolls of the Chickasaw Nation; neither does it appear that they have been admitted to citizenship in the Chickasaw Nation by the legally constituted authorities of the said Nation.

It further appears from an examination of the records in the possession of the Commission that the applicant Susan Jester applied to the Commission to the Five Civilized Tribes in 1896 for citizenship in the Chickasaw Nation for herself and her seven minor

children, Catherine J., Ellen, William, Cornelius, Ideller, Nellie and Wilburn Jester, the applicants herein under the act of Congress of June 10, 1896, and was by the Commission denied citizenship in the Chickasaw nation for herself and her children in Chickasaw case Number 54, and that no appeal was taken from the said decision of the Commission to the United States Court in Indian Territory within the time proscribed by the act of Congress of June 10, 1896, (29 Stats., 321).

The applicant in chief applies for the enrollment and identification of herself and her seven minor children as descendants of a Mississippi Chickasaw Indian and submits documentary evidence in support of such an application. The Commission to the Five Civilized Tribes having in no manner been authorized to receive and consider the application of descendants of Mississippi Chickasaws or jurisdiction to determine their rights the application of Susan Jester and her seven minor children as so called Mississippi Chickasaws is hereby dismissed.

The act of Congress of June 28, 1898, (30 Stats., 495), provides:

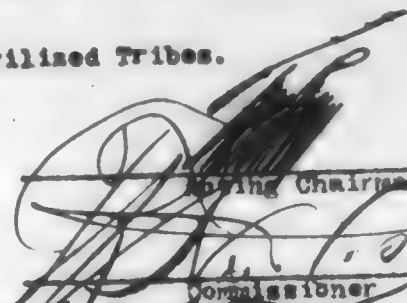
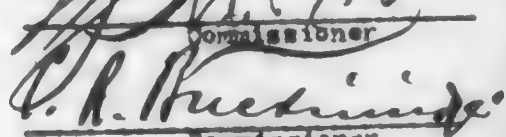
"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 221), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is therefore the opinion of this Commission that Susan Jester and her seven minor children, Catherine Jester, Ellen Jester, William Jester, Cornelius Jester, Idella Jester, Nellie Jester and Wilburn Jester, are not lawfully entitled to be enrolled as members of the Chickasaw Tribe of Indians in Indian Territory and that their application as such should be refused and it is so ordered.

The Commission to the Five Civilized Tribes.


Acting Chairman.

Commissioner

Dated at Muskogee, Indian Territory,
this APR -2 1902

Honorable Commissioner of Indian Affairs,

Washington, D. C.

Sir:

Please enter my appearance in the enclosed case of Susan Jester, et al, on behalf of the applicant, and notify me of any action taken therein.

I have the honor to be,

Respectfully yours,

(signed) Chester Howe.

BEFORE THE HONORABLE SECRETARY OF THE INTERIOR

AND THE

HONORABLE COMMISSIONER OF INDIAN AFFAIRS

WASHINGTON, D.C.

petition.

Comes now Susan Jester on her own behalf and on behalf of her minor children, Catherine Jester, Ellen Jester, William Jester, Cornelius Jester, Willie Jester and Willborn Jester, by her attorneys J. O. Pool and Chester Howe, and respectfully prays for the exercise of supervisory authority of the Secretary of the Interior, and the issuance of the order directed to the Commission to the Five Civilized Tribes, commonly known as the Dawes Commission, directing and commanding the said Dawes Commission to receive the application of your petitioner, to be identified and enrolled as a Mississippi Chickasaw Indian, and to receive and hear the testimony in relation to said application, in order that such record may be made as will enable the officers of the Department to pass upon said application intelligently. And as the basis of said petition, your petitioner alleges:

(2)

That she is a Mississippi Chickasaw Indian by blood, and a resident in the Indian Territory, and has been in said Territory for more than 3 years last past.

II.

That on the 30th day of August, 1899, she appeared before the Dawes Commission, and tendered application for identification and enrollment, together with evidence to support the same; that said Commission refused to receive and file said application, and refused to hear any testimony in support thereof, and that no record was made on which the Department and its officers could intelligently pass.

III.

That by reason of her blood, she has been recognized by the Chickasaw nation ever since she moved to the Indian Territory, and has valuable property rights, and that the rights of herself and of her children are jeopardized by said action.

IV.

That as a Chickasaw Indian she is entitled to the protection of the Interior; that she has no adequate remedy in law and that for this reason she files this petition.

V.

That she hereunto attaches the petition tendered to the Dawes Commission, together with affidavits supporting the same, in order that the officers of the Department may pass intelligently upon the same.

Wherefore your petitioner prays that the order prayed for in this petition may be issued, and for such other and further relief as to the Honorable Secretary of the Interior and the Honorable Commissioner of Indian Affairs may be deemed just and proper to the end that your petitioner's rights and the rights of her minor children can be protected.

Respectfully submitted,
(signed) J. O. Pool,
Chester Howe.

-----X
 CITY OF WASHINGTON :
 DISTRICT OF COLUMBIA. :
 -----X

J.O. Pool, being duly sworn according to law, on oath states that he is attorney for the petitioner in the foregoing petition; that the same is filed in good faith and not for purposes of delay; but in order that justice may be done, and that he verily believes the facts set forth therein are true.

(signed) J. O. Pool,

Subscribed and sworn to before me this 12 day of Dec, A.D. 1899---

J. J. Welligan,

Notary Public.

United States of America :
 Central District :
 Indian Territory :

I Susan Jester after being first duly sworn, state that on the 30th day of August 1899 I appeared in person and made application both oral and written to the Commission to the Five Civilized Tribes for identification of myself and family as descendants of Mississippi Chickasaw Indians, said Commission being then and there in session at Atoka, Indian Territory; that said written application is hereto attached and marked Exhibit "A"; affiant further states that when said application was made that said applicant offered to testify before the said Commission to the facts set out in said written application and offered to support said allegations by making proof thereof by various and diverse witnesses; that among the witnesses as of-

ferred before said Commission was Ransome Goins, a full blood Choctaw Indian recognized and enrolled as a Choctaw Indian in the Choctaw Nation, Indian Territory, whose affidavit is hereto attached and marked Exhibit "B"; said Commission presumptorially refused to receive and file said application and refused to receive or hear any testimony in support thereof other than the answers of affiant made to said Commission in response to questions propounded to affiant by the said Commission in regard to the residence of the applicant and her previous enrollment and that of her parents on some rolls heretofore made of said Tribe of Indians; that said Commission refused to permit applicant to make proof that applicant was descended from the Mississippi Chickasaw Indians; that applicants are entitled to identification and enrollment; affiant asks that this petition with the vidence hereto attached be heard by the Secretary of the Interior and that she and her children be enrolled on the final rolls of the Chickasaw Nation.

(signed) Susan Jester

Subscribed and sworn to before me this 30th day of August 1899.

(signed) Maud Miller.

Notary Public.

Chickasaw Nation :
Indian Territory :
Southern District :

To the Honorable Commission to the
Five Civilized Tribes:-

In the matter of the application of Susan Jester et al
as a member of the Chickasaw Tribe of Indians. . .

Your petitioner Susan Jester most respectfully shows to
your Honorable Body that she is more than a half blood Chickasaw
Indian by blood; that she is the daughter of Bill Fagins, a full
blood Mississippi Chickasaw Indian, and his wife Catherine to whom

he was lawfully and legally married and who was a mixed blood white and Chickasaw Indian woman. The name of my grandfather on the part of my father was Billy, whose name will be found on the records as such on the 41st page in the official list of Mississippi Indians in the American State papers.

Your petitioner further shows that she was duly and lawfully married in the year 1879 to Henry Jester, a white man; that there was born as issue of said union seven(7) children, namely, Catherine Jester 19 years old, Ellin Jester 16 years old, William Jester 14 years old, Cornelius Jester 11 years old, Nellie Jester 9 years old, Willborn Jester 7 years old, myself Susan Jester 35 years old.

Your petitioner further shows that all the above named children are now living and are residents of the Chickasaw Nation, Indian Territory, and have been residing in said Indian Territory for more than (3) three years last passed, recognized as Chickasaws and have enjoyed and exercised the rights and privileges of other resident Chickasaw Indians without any objections by any one. Your petitioner further shows that she was never notified directly nor indirectly and had no knowledge from any source whatever that it was necessary or expedient even for her to make an application to the Dawes Commission by or before September 10th 1896 until after said date and it was too late to make application. Your petitioner further shows that after she was informed through other parties that she should have made application prior to Sept. 10th 1896 to the Dawes Commission for enrollment and admission as a citizen and member of said Chickasaw Nation and Tribe; petitioner further shows that had she been notified prior to September 10th 1896 that it was necessary for her to make application to the Dawes Commission that she was absolutely unable, by reason of her poverty, to have procured counsel and testimony necessary to have sustained her claim. Petitioner

is a poor person and in fact has nothing in the shape of property except her home on the public domain and what she can earn by her toil, and was then and is still unable to comply with any law that would require her to pay any amount for counsel or otherwise, and in fact this, together with the rights to which she and her children are entitled by virtue of their citizenship in the Chickasaw Tribe is all of their earthly possessions; your petitioner further shows that they came to the Chickasaw Nation in good faith as above stated for the purpose of enjoying their inheritance as such Chickasaws as provided by law, and that they have always been ready and willing to comply with any requirements of law or the Department of the Interior whenever notified to retain their said rights and enjoy their said inheritance. Petitioner further shows that by reason of their Indian blood, as heretofore stated, and by reason of their residence in the Chickasaw Nation as heretofore set out, and by virtue of the treatise heretofore made between the Chickasaw and Choctaw Nations and the United States of America and the laws, usages and customs of said Choctaw and Chickasaw Nations, and especially the treaty of 1830, they are entitled to all the rights, privileges, benefits and immunities accruing to a citizen and member of said Chickasaw Tribe, and that their status as parties entitled to be enrolled as members of said Chickasaw Tribe in the Indian Territory have heretofore, by virtue of said laws, usages and customs been declared made permanent and forever guaranteed.

Wherefore, the premises considered your petitioner prays your Honorable Body that her name, together with her said children heretofore named in this petition be decreed to be citizens and members of the Chickasaw Tribe of Indians, and that they be decreed all the rights, privileges, benefits and immunities of said citizenship, and that their names be placed on the final roll of said Chickasaw Nation Indian Territory.

(Susan Jester)

(7)

Susan Jester, who is of lawful age, being first duly sworn by me the undersigned authority, states that she has heard read over and knows the contents of the foregoing petition and that the facts therein contained are true.

(signed) Susan Jester

Subscribed and sworn to before me this the 29th day of Aug. 1899.

(signed) Maud Miller

Notary Public.

Choctaw Nation :
Indian Territory :
Central District :

Personally appeared before me Maud Miller a Notary Public within and for the Central District of the Indian Territory, Ransom Goins, who after being by me first duly sworn says that he is a full blood Choctaw Indian; that he was born in the Choctaw Nation, State of Mississippi, near Hatches; that he came to the Indian Territory about twenty years ago and has been residing in the Indian Territory ever since; says that he is 38 years of age and that he is personally acquainted with Susan Jester and has been all her life. I knew her father and mother and I also knew her grandfather Bill Fagins who was a full blood Chickasaw Indian and his wife was a Chickasaw Indian woman named, before she married Bill Fagins, McCuller; they lived near my parents with whom I lived in the Choctaw Nation, Mississippi; they had one child, a boy, named William Fagins and he married a mixed blood three quarter white and one quarter Indian, she obtained, and they are the parents of Susan Jester; and they William Fagins and wife were married and lived in the Choctaw Nation.

Mississippi about 3/4 of a mile from where I lived; I have known William Fagins and his wife all their lives; they are now both dead; William Fagins, her father, if living would be about 85 or 86 years old, he was four or five years younger than I am. Susan Jester or Fagins married a white man named Henry Jester and they have seven children; they now live in Ardmore Chickasaw Nation, Ind.Ter.; did live awhile near me in the Choctaw Nation; I have no interest in the result of the outcome of this cause. I appeared today before the Dawes Commission when the case of Susan Jester was called; I was there for the purpose of testifying as to her Chickasaw Indian blood and the said Commission declined to take my testimony; said Commission being then and there in session in Atoka, I. T.

(signed) Ransom Goins

Subscribed and sworn to before me this 30th day of Aug. 1899.

(signed) Maud Miller

Notary Public.

The State of Texas :
:
County of Bowie. :

Personally appeared before me James Wiley who, after being by me duly sworn, says on oath that he is personally acquainted with Susan Jester, and also was with her parents and grand parents in their life time. Says; Bill Fagins who was a Mississippi Chickasaw Indian by blood, either a full blood or three quarter, I cannot say exactly which, he married a half blood Chickasaw woman, whose name I disremember, the other half white blood. And they had one son, named Bill Fagans, Jr., after his father and he married he married Catherine a white woman, with

(9)

some little Indian blood. And they are the parents of Susan Fagan now Susan Jester, she having married a white man named Henry Jester. And they have seven children namely; Catherine, Ellen, William, Cornelius, Ideler, Neely and Willborn. Said Susan Jester and family are residing in the Indian Territory and has been for two years or more.

(signed) J. A. Wiley.

Sworn and subscribed to by James Wiley as being true and correct. On this the 3d day of August A.D. 1898.

(signed) J. J. Peters,
Justice of the Peace and Ex-office,
Notary Public.
Bowie County, Texas.

Bowie County :
:
State of Texas. :

Personally appeared before me William Wiley,
who after being by me duly sworn deposes and says, on oath;

That he resides in Bowie County, Texas, and that he is personally acquainted with Susan Jester, who is a resident of the Indian Territory and has been for two years or more, and that he was also acquainted with her parents and grandparents, as follows to wit: Bill Fagans was a full blood Mississippi Chickasaw Indian, and his wife was a half blood (being one half white) Chickasaw Indian woman. And that they had one child a boy, named Bill Fagans, Jr, after his father. He married Catherine a white woman, with some little Indian blood in her so claimed. And they are the parents of Susan Fagans, who is now Susan Jester she having married a white man named Henry Jester, who is now dead, and they have seven children, namely; Catherine, Ellen, William, Cornelius, Ideler, Neely and Willborn. They have always been respected and

known who they lived

(10)

(signed) William Wiley.

Sworn and subscribed to before me by William Wiley, as being true and correct on the 3d day of August A. D. 1898.

(signed) J. J. Peters, Justice of the Peace
and Ex-Office Notary Public,
Bowie County, Texas.

Susan Jester, et al

vs

The Chickasaw Nation.

Before the Hon. Secretary of the Interior,
and Hon. Commissioner of Indian Affairs.

Application of Susan Jester
et al for enrollment
as Miss. Choctaw Indians.

Filed

June 12 1900

Commission to Five Tribes.

1538 : Indian Office :
: Incl. No I. : 1899.

Susan Jester, et al,
vs.
The Chickasaw Nation,

)
)
)
)

TO THE HONORABLE SECRETARY OF THE INTERIOR, AND THE
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Susan Jester,
and her children for enrollment, upon the rolls of the Chickasaw
Nation, BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Comes now Susan Jester, Catherine Jester, Ellen Jester,
William Jester, Cornelias Jester, Idella Jester, Nellie Jester
and Wilburn Jester, and respectfully petition the Honorable
Secretary of the Interior, for his supervisory authority, to
the end that their case may be reopened, revised, and read-
judicated and for enrollment, as Chickasaw Indians by blood, upon
the legal Rolls of said Chickasaw Nation.

As grounds for same, said applicants contends that:- They
are chickasaw Indians by blood, that the proof in their original
case, is conclusive as to this fact, that they were born to the
allegiance of their parents, and of the Chickasaw Nation,
Indian Territory, in said Chickasaw Nation, Indian Territory,
that they have ever resided in said Territory, and are thouroughly
indentified, with their Tribe, that they have never abonded, their
Tribe, but have always lived with them, subject to the laws,
usages, and customs of said Chickasaw Tribe, and as such, are
entitled to be placed, upon the rolls, of the Chickasaw Nation.

That the Attorney General, has so held, that because of
long residence, and because of establishing their blood, that
they are entitled, to enrollment, and that it was the duty of
the Commission to the Five Civilized Tribes, upon such proof, to

enroll them, upon the legal Rolls, of their Tribe, Wherefore, the premises considered, these applicants, prays, that their case be reopened, revised, considered, and readjudicated, and that they be enrolled, upon the legal Rolls, of the Chickasaw Nation.

Applicants says, that they failed to apply in 1896, because they knew nothing, of the existence, of the Commission to the Five Civilized Tribes, or nothing of the Act of 1896, until it was too late to apply.

Applicants, contends that, the Act of 1898, was held by the Attorney General, does not deprive these applicants, of the right of enrollment by blood. They were residents, of the Indian Territory, long prior to 1898, therefore, the act did not apply, to those who were residents, at its passage.

It only made it requisite in the enrolling of Indians, by blood, in the language of the Act. That they heretofore resided, in said Indian Territory.

In the Long case, we find they applied, to the Commission in 1899, this was a year after the adoption, of the 1898, Law, and three years, after the limitation, placed in the Act of 1896, but the Attorney General, held that they were entitled, to enrollment.

Therefore, it is conclusive, that he holds, that residents in the Indian Territory, are not affected by the Act,

Again, the Act after being created, at the latter part of said Act says that; Nothing herein contained, shall be so construed, as to militate, against rights, conferred by treaty, and should not deprive these applicants of enrollment, and will not except, by holding against rights conferred by Treaty, which is strictly forbidden, in the Act, this Clause of the Act should have its weight, and effect, as much as any other clause in the Act, and even more so because it is Treaty rights, which is the highest right known to the laws of our country.

The evidence, in this case shows, as to the ancestors of these applicants, that they are genuine, true and in fact, Chickasaw Indians. ~

Said proof is conclusive, and is not denied by their, Tribe, or the Attorneys for the Choctaw and Chickasaw Nations.

Again, in every Act yet, the Commission has been instructed to Honor, and comply, with the Laws, usages, and customs, of the Tribe. If they do that in this case, these parties, will be enrolled, therefore, because of the fact, that we have ever been, recognized, as Chickasaw Indians, and are in fact, Chickasaw Indians, and we have always enjoyed, the rights, of Chickasaw Indians, in the Indian Territory, and because of the facts, that our rights are undisputed, by any of our tribe, or any one acting, for them, and because of the decisions, of the Attorney General, in the various cases, recently decided.

That his decisions, were approved by your Honor E. A. Hitchcock, and especially in the Scott. S. Dumas case, and in the Long case,

Therefore, we pray for the reopening, reconsidering, and readjudicating of our case, and for enrollment upon the legal Rolls of the Chickasaw nation.

J. O. Pool

UNITED STATES OF AMERICA,)
CHOCTAW NATION)
INDIAN TERRITORY)

Personally appeared before me, J. O. Pool, attorney and agent for the above applicants and says:

That the facts in the foregoing petition, are true and correct to the best of his knowledge, that their petition is not for the purpose of delay, but that justice may be done.

That he has served a copy of this petition upon Mansfield, McMurray and Cornish, Attorneys for the Choctaw and Chickasaw Nations, by due course of mail, at their present post-office

at So. McAlester, Indian Territory, that the receipt of the Post-Master, for the said registered letter, containing a copy of this petition, is hereto attached for proof of service.

J. O. Pool

Sworn to and subscribed to before me as being true and correct as best to his knowledge on this the 18 day June, 1906.

(Seal)

R. H. Foster,
Notary Public.

Register receipt from Post Master, South McAlester, Indian Territory, attached to original.

MEMORANDA.

Name Susan Jester, (36) ^(Date) June 12, 1908. Sulphur Spring, I.T.

Choctaw? _____ County _____ Year _____ No. _____

Chickasaw? Miss County _____ Year _____ Page _____

Citizen by blood? yes ($\frac{1}{2}$) Mother's citizenship Chic. ($\frac{1}{2}$)

Intermarried citizen? _____

Married under what law? _____

License filed this day, _____

Wife's name, _____

Choctaw? _____ County _____ Year _____ No. _____

Chickasaw? _____ County _____ Year _____ Page _____

Citizen by blood? _____ Mother's citizenship _____

Intermarried citizen? _____

Married under what law? _____

License filed this day Husband/ Henry Jester

Names of children:

<u>20 Catherine</u>	County _____	Year _____	Page _____	No. _____
<u>17 Ellen</u>	County _____	Year _____	Page _____	No. _____
<u>15 William</u>	County _____	Year _____	Page _____	No. _____
<u>12 Cornelius</u>	County _____	Year _____	Page _____	No. _____
<u>11 Ideler</u>	County _____	Year _____	Page _____	No. _____
<u>10 Mollie</u>	County _____	Year _____	Page _____	No. _____
<u>8 Ribbons</u>	County _____	Year _____	Page _____	No. _____
	County _____	Year _____	Page _____	No. _____
	County _____	Year _____	Page _____	No. _____

William Tagans (father) ($\frac{1}{2}$) dear
Katherine Wiley (mother) ($\frac{1}{2}$) dear

Chickasaw R 23

COPY

Muskogee, Indian Territory, April 2, 1902.

Susan Jester,

Sulphur Springs, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and your minor children, Catherine Jester, Ellen Jester, William Jester, Cornelius Jester, Idella Jester, Nellie Jester and Wilburn Jester, as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

C. R. Breckinridge

(SIGNED)

Commissioner in Charge.

1 enclosure
Registered.

Chickasaw R 33

COPY:

Muskogee, Indian Territory, April 2, 1902.

Chester Howe,

Attorney at Law, 625 F. Street, N. W.,
Washington, D. C.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Susan Jester, Catherine Jester, Ellen Jester, William Jester, Cornelius Jester, Edella Jester, Nellie Jester and Wilburn Jester, as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

SIGNED

S. D. Brockbridge

Commissioner in Charge.

1 enclosure
Register.

Washington, Indian Territory, April 11, 1904.

J. A. Pool,

Attorney at Law,

Stanton, Texas.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Susan Foster, Catherine Foster, Ellen Foster, William Foster, Cornelia Foster, Isabella Foster, Nellie Foster and Victoria Foster, as children of the Chickasaw Nation.

The decision, with a copy of the proceedings and in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Very truly,

C. P. Greenbridge.

Special Agent.

Commissioner in Charge.

J. A. Pool,
Stanton, Texas.

COPY.

Washago, Indian Territory, April 8, 1902.

Messrs Mansfield, Motturray & Gervais,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Susan Jester, Catherine Jester, Ellen Jester, William Jester, Cornelius Jester, Della Jester, Nellie Jester and Wilburn Jester, as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

SIGNED

J. R. Breckinridge.

Commissioner in Charge.

1 enclosure
Register.

COPY.

Muskogee, Indian Territory, April 8, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Susan Jester for the enrollment of herself and her seven minor children, Catherine Jester, Ellen Jester, William Jester, Cornelius Jester, Idella Jester, Nellie Jester and Wilburn Jester, as citizens of the Chickasaw Nation, including the decision of the Commission, dated April 2, 1902, refusing the application for the enrollment of Susan Jester, Catherine Jester, Ellen Jester, William Jester, Cornelius Jester, Idella Jester, Nellie Jester and Wilburn Jester as citizens of said nation.

Respectfully,

C. R. Breckinridge.

WITNESSED:

Commissioner in Charge.

1 enclosure.

Through the Commissioner
of Indian Affairs.

(COPY)

Land
20614-1902 .

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON,
April 29, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report made April 2, 1902, by C. R. Breckinridge, Esq., Commissioner in charge of the work of the Commission to the Five Civilized Tribes,, forwarding the record of proceedings in the matter of the application of Susan Jester for the enrollment of herself and her seven minor children, Catherine, Ellen, William, Cornelius, Idella, Nellie and Wilburn Jester, as citizens by blood of the Chickasaw Nation.

From the record in this case it appears that in 1896 Susan Jester applied to the Commission for the enrollment of herself and for the enrollment of the children above named, as citizens of the Chickasaw nation; that enrollment was denied; and that no appeal was taken from the decision of the Commission.

April 2, 1902, the Commission found that the applicants were not entitled to enrollment, in which decision the office respectfully concurs.

Very respectfully,

Your obedient servant,

A. C. Tanner,
Acting Commissioner.

2 inclosures.

Chickasaw 2 25

Muskogee, Indian Territory, June 12, 1902

Mrs. Susie Jester,

Shawnee, Oklahoma Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 23d instant, in which you desire to be informed what has been done with your claim.

You are advised that on April 2, 1902, the Commission rendered a decision refusing the application for enrollment of Susan Jester and her seven minor children as citizens by blood of the Choctaw Nation and a copy of such decision was forwarded you by registered mail to Sulphur Springs, Indian Territory, the postoffice address given by you at the time you made such application.

On April 2, 1902, the record in the matter of this application, was forwarded the Secretary of the Interior for his review.

Yours truly,

Commissioner in Charge.

(D.C.No. 10518-1902.)

(COPY)

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I.T.D.2741-1902.

June 21, 1902.

L.R.8

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to your letter of April 2, 1902, you are advised that the Department affirms your decision of that date, rejecting the application of Susan Jester for the enrollment of herself and seven minor children, Catherine, Ellen, William, Cornelius, Idella, Nellie and Wilburn Jester, as citizens by blood of the Chickasaw Nation.

The claimants have never been enrolled, recognized or admitted as citizens of the Chickasaw Nation. It appears that the Commission acting under the authority contained in the act of June 16, 1896 (29 Stat., 321), on November 10, 1896, rejected an application by this party for admission to citizenship in the Chickasaw nation of herself and children and that no appeal was taken to the United States Court in the Indian Territory as prescribed by said act. The applicant in chief applied for enrollment and identification of herself and seven children as descendants of a Mississippi Chickasaw Indian. You stated that you are not authorized to determine

- 2 -

their rights as so-called Chickasaws.

The Acting Commissioner of Indian Affairs April 29, 1902, recommended that your decision be concurred in. A copy of his letter is inclosed.

Respectfully,

F. L. Campbell,
Acting Secretary.

FMD

1 inclosure.

COPY.

Chickasaw R-33

Muskogee, Indian Territory, July 1, 1902.

Susan Jester,

Sulphur Springs, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of June 21, 1902, affirmed the decision of the Commission, dated April 2, 1902, refusing the application made by you for the enrollment of yourself and your seven minor children, Catherine, Ellen, William, Cornelius, Idella, Nellie and Wilburn Jester, as citizens of the Chickasaw Nation.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

OPY.

Chickasaw 4-33

Muskogee, Indian Territory, July 1, 1902.

J. O. Pool,

Attorney at Law,

Hacoma, Texas.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 21, 1902, affirmed the decision of the Commission, dated April 2, 1902, refusing the application made by Susan Jester for the enrollment of herself and her seven minor children, Catherine, Ellen, William, Cornelius, Idella, Nellie and Wilburn Jester, as citizens of the Chickasaw Nation.

Yours truly,

(SIGNED).

I. B. Needles

Commissioner in Charge.

COPY.

Chickasaw R-33

Muskogee, Indian Territory, July 1, 1902.

Chester Howe,

Attorney at Law,

#623 "Y" St., N.W.,

Washington, D. C.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 21, 1902, affirmed the decision of the Commission, dated April 2, 1902, refusing the application made by Susan Jester for the enrollment of herself and her seven minor children, Catherine, Ellen, William, Cornelius, Idella, Nellie and Wilburn Jester, as citizens of the Chickasaw Nation.

Yours truly,

(SIGNED)

E. Needles.

Commissioner in Charge.

COPY

Chickasaw B-33

Muskogee, Indian Territory, July 1, 1902.

Messrs. Mansfield, McMurray & Cornish,

Attorneys for the Chectaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 21, 1902, affirmed the decision of the Commission, dated April 2, 1902, refusing the application made by Susan Jester for the enrollment of herself and her seven minor children, Catherine, Ellen, William, Cornelius, Idella, Nellie and Wilburn Jester, as citizens of the Chickasaw Nation.

Yours truly,

(SIGNED)

5. 100. 100
Commissioner in Charge.

Chickasaw-R-33

Muskogee, Indian Territory, December 9, 1903.

Ellen Smith,

#331 Choctaw Street,

Oklahoma City, Oklahoma.

Dear Madam:

Receipt is hereby acknowledged of your letter of November 27, 1903, asking what evidence is required in the matter of the enrollment of Susan Jester and her children as citizens of the Choctaw Nation.

In reply to your letter you are informed that it appears from our records that Susan Jester and her children, Catherine J., Ellen, William, Cornelius, Idella, Nellie and Wilburn Jester, were applicants to this Commission for enrollment as citizens of the Chickasaw Nation, and on April 2, 1902, the Commission rendered its decision refusing said application, copy of which was forwarded to Susan Jester at Sulphur Springs, Indian Territory, and on the same date the record in the case was transmitted to the Secretary of the Interior for approval. June 21, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the application of the above named persons, and on July 1, 1902, Susan Jester was notified of such Departmental action, at Sulphur Springs, Indian Territory.

Respectfully,

Chairman.

Muskogee, Indian Territory, June 28, 1906.

J. O. Pool,

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 18, 1906, inclosing motion for reopening and reconsideration of the case of Susan Jester et al.

You are advised that on April 2, 1902, the Commission to the Five Civilized Tribes rendered its decision refusing the application of Susan Jester and her seven children for enrollment as citizens of the Chickasaw Nation and on June 21, 1902, this action was approved by the Secretary of the Interior. The petition filed by you has this day been forwarded the Department for consideration in connection with this case.

Respectfully,

Commissioner.

Muskogee, Indian Territory, June 29, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

April 2, 1902, the Commission to the Five Civilized Tribes rendered its decision refusing the application of Susan Jester for the enrollment of herself and her seven children as citizens of the Chickasaw Nation and this action was approved by the Secretary of the Interior, June 21, 1902 (I.T.D. 2741-1902).

I now have the honor to transmit herewith petition filed by J. O. Pool for reopening and readjudication of this case.

Respectfully,

SIGNED

Chickasaw R 33

Commissioner,

Through the Commissioner
of Indian Affairs.

9-R-33

Muskogee, Indian Territory, December 7, 1906.

J. O. Pool,

Attorney at Law,

Nocona, Texas,

Dear Sir:

You are hereby advised that on November 24, 1906, the Secretary of the Interior denied the motion for review of the application for the enrollment of Susan Jester and her seven children as citizens by blood of the Chickasaw Nation.

For your information there is inclosed herewith a copy of Departmental letter of November 24, 1906, above referred to.

Respectfully,

LM 2/7

Wm. H. Hall
Acting Commissioner.

9-R-33

Muskogee, Indian Territory, December 7, 1906.

Susan Jester,

Lane, Indian Territory,

Dear Madam:

You are hereby advised that on November 24, 1906, the Secretary of the Interior denied the motion for review of the application for the enrollment of yourself and seven children as citizens by blood of the Chickasaw Nation.

Respectfully,

Wm. H. Hall
Acting Commissioner.

7-
9-R-33

Muskogee, Indian Territory, December 7, 1906.

Chester Howe,
Washington Loan and Trust Building,
Washington, D. C.,

Dear Sir:

You are hereby advised that on November 24, 1906, the Secretary of the Interior denied the motion for review of the application for the enrollment of Susan Jester and her seven children as citizens by blood of the Chickasaw Nation.

For your information there is inclosed herewith a copy of Departmental letter of November 24, 1906, above referred to.

Respectfully,

LM 1/7

Wm. C. Dyer
Acting Commissioner.

9-R-33

Muskogee, Indian Territory, December 7, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby advised that on November 24, 1906, the Secretary of the Interior denied the motion for review of the application for the enrollment of Susan Jester and her seven children as Chickasaw citizens by blood.

For your information there is inclosed herewith copy of Departmental letter of November 24, 1906, above referred to.

Respectfully,

LM 3/6

Acting Commissioner.

9-R-23

Muskogee, Indian Territory, December 8, 1906.

Susan Jester,

Iane, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of November 22, 1906, relative to the right of yourself and your children to enrollment as citizens of the Chickasaw Nation.

In reply to your letter you are advised that on November 24, 1906, the motion for rehearing in your case, which was forwarded the Department June 29, 1906, was denied by the Secretary of the Interior.

Respectfully,

Acting Commissioner.

Chic. R-34

Chic. R-34

R. 34

Sylvester Gaines, et al.

Record transferred to Chickasaw
card R. # 109.

Chic. R-35

Chic. R. 35

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I. T., June 13, 1900.

In the matter of the application of Viola Wright for identification as a Mississippi Chickasaw; being sworn and examined by Acting Chairman Bixby she testifies as follows:

- Q What is your name? A Viola Wright.
Q What is your age? A Twenty-two, last January.
Q Where do you live? A Ravea.
Q Ravea your post-office? A Yes sir.
Q How long have you lived in the Indian Territory? A Thirteen years.
Q Where did you live before you came to the Territory? A Dallas County, Texas.
Q You born in Texas? A Yes sir.
Q Ever live in Mississippi? A No sir, I never.
Q What is the name of your father? A Morris Love.
Q Is he living? A No sir.
Q Was he a Chickasaw? A Yes sir.
Q What proportion of Chickasaw blood did he claim to have? A Quarter.
Q Was his name ever on the Chickasaw rolls? A No sir.
Q Was he ever recognized by the Chickasaw Tribal authorities? A No sir.
Q What is the name of your mother? A Mary E. Scott; Mary Love; her name now is Scott; her maiden name was Rose.
Q Is she living? A Yes sir.
Q Is she a white woman? A No sir.
Q She Chickasaw? A She is Choctaw.
Q What proportion of Choctaw blood does she claim to have? A One-eighth.
Q Has she ever been recognized by the Choctaw Tribal authorities? A No sir, not as I know of.
Q What proportion of Chickasaw blood do you claim to have? A One-sixteenth I reckon.
Q Has your name ever been on the Chickasaw rolls? A No sir.
Q Have you ever been recognized by the Chickasaw Tribal authorities as a Chickasaw Indian? A Not as I know of.
Q Did you ever apply to the Chickasaw authorities for enrollment as a Chickasaw Indian? A No sir.
Q Did you apply to the Dawes Commission in 1896? A No sir.
Q This your first application? A Yes sir.
Q You are claiming to be a Mississippi Chickasaw? A Yes sir.
Q Under what treaty do you claim? A Chickasaw and Choctaw.
Q Under any particular treaty? A No sir.
Q You don't base your claim on the provisions of any particular treaty? A No sir.
Q Simply claim under all the treaties? A Yes sir.
Q Are you married? A Yes sir.
Q Make any claim in behalf of your husband? A He ~~will~~ ~~make~~ ~~a~~ ~~claim~~ ~~for~~ ~~himself~~.
Q Have you any children? A Yes sir.
Q You claim to be Mississippi Chickasaws? A Yes sir.
Q Their claim has the same basis as your own? A Yes sir.
Q Are they living with you? A Yes sir.
Q What is the name of your husband? A John Wright.
Q Is he a white man? A He is a Choctaw.
Q Under what law did you marry him? A United States law.
Q Is he a recognized Choctaw? A No sir, not as I know of.
Q Have you your marriage license and certificate? A Yes sir, I haven't got them here.
Q Where did you marry him? A At Ardmore.
Q When? A Ten years ago this September.
Q What are the names and ages of your children? A Dora Etta, eight years old; Willie May, six years old; Nettie Bell, four years

old.

Q Is there any additional statement you would like to make in regard to your case at this time? A No sir, not now.

Q Any papers you desire to file with the commission?

A No sir, not now.

Q You will be permitted to in the near future, if you desire to do so, to file any additional evidence in the form of statements affidavits or other proper papers. This testimony and such papers as you may be pleased to file with the commission will be forwarded to the honorable Secretary of the Interior for his examination and consideration when the rolls of the citizens of the Chickasaw Nation are sent to him for final approval.

Your enrollment, and the enrollment of your children, is refused, for the reason that your names do not appear upon the rolls of the Chickasaw Nation now in the possession of this Commission, and for the additional reason that it does not appear from the testimony and from the record that you have ever been recognized by the Tribal authorities of the Chickasaw Nation as a Chickasaw Indian by blood, or that either you or your children were admitted to citizenship by the Commission to the Five Civilized Tribes under Act of June 10th, 1896, or by a judgment of the United States Court in the Indian Territory; and for the further reason that the Commission knows of no law which provides for the identification or enrollment of parties claiming to be Mississippi Chickasaws.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case, and that the above and foregoing is a full, true and complete transcript of the testimony taken by him in said case.

Subscribed and sworn to before me this 18 day of June 1900.


Acting Chairman.

46

Department of the Interior.
Commission to the Five Civilized Tribes.

---0---

In the matter of the application for the enrollment of Viola Wright and her three minor children Dora Etta, Willie May and Nettie Belle Wright as citizens by blood of the Chickasaw Nation.

---: D E C I S I O N :---


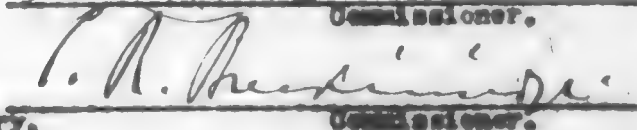
It appears from the record in this case that on the 13th day of June, 1900, Viola Wright, appeared before the Commission at Colbert, Indian Territory, and made application for the enrollment of herself and three minor children, Dora Etta, Willie May and Nettie Belle Wright, stating that she claimed for herself and said children as Mississippi Chickasaws.

This Commission not being authorized by law to receive or consider the applications of Mississippi Chickasaws, and having no jurisdiction to determine rights of applicants as Mississippi Chickasaws as distinguished from Chickasaws by blood, the rights of these applicants, Viola Wright, Dora Etta Wright, Willie May Wright and Nettie Belle Wright as citizens by blood of the Chickasaw Nation are passed upon by this decision.

It does not appear from the records in the possession of the Commission that any one of the applicants in this case has ever been admitted or enrolled as a citizen of the Chickasaw Nation, nor does the name of any one of said applicants appear upon any of the Chickasaw tribal rolls in the possession of the Commission; neither does it appear that any one of said applicants has ever been admitted to citizenship in the Chickasaw Nation by the duly constituted court or committee of said nation, by the Commission to the Five Civilized Tribes or by the United States Court for Indian Territory under the provisions of the Act of Congress approved June 10, 1896, (29 Stat. 321).

It is, therefore, the opinion of this Commission that said Viola Wright, Dora Etta Wright, Willie May Wright and Nettie Belle Wright are not citizens by blood of the Chickasaw Nation, duly and lawfully enrolled or admitted as such, and that pursuant to the provisions of paragraph two of the Act of Congress approved May 31, 1900, (31 Stat., 221), the Commission is without authority to receive, consider or make any record of their application for enrollment as citizens by blood of the Chickasaw Nation, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,


Acting Chairman,

Commissioner.

Muskogee, Indian Territory,

DEC -8 1900

866

9-2-5

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

COPY.

In the matter of the application of John M. Penn for
enrollment as a citizen by intermarriage of the Chickasaw
Nation.

---0---0---

The applicant, John M. Penn, claims his right to
enrollment as a citizen by intermarriage of the Chickasaw
Nation by reason of his marriage to one Amanda M. Penn, nee
Row. The right of the applicant's wife, Amanda M. Penn, nee
Row, to citizenship in the Chickasaw Nation having been
adversely determined by a decree of the Choctaw and Chickasaw
Citizenship Court, June 29, 1904, in case number 66 upon the
Tishomingo docket of said court, it is hereby ordered that the
application of John M. Penn for enrollment as a citizen by
intermarriage of the Chickasaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHICKASAW

T. H. Dwyer

CHICKASAW

Washoe, Indian Territory,

OCT 25 1904

IN RE

Application for Enrollment of

INFANT CHILD

*Bertha Lee Wright**as a citizen of the**Chickasaw Nation.**Approved*

190

Commissioner.

235

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
 of Bertha Lee Wright, born on the 29 day of August, 1902
 (Write last name of child.)
 Name of Father: John T. Wright, a citizen of the Choctaw Nation.
 Name of Mother: Viola Wright, a citizen of the Cherokee Nation.
 Post-Office: Paris, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }

INDIAN TERRITORY,
Donkham District. }

I, Viola Wright, on oath state that I am 20
 years of age and a citizen, by blood, of the Cherokee Nation;
 that I am the lawful wife of John T. Wright, who is a citizen, by
blood, of the Choctaw Nation, that a female child was
 (Male or female.)
 born to me on the 29 day of August, 1902; that said child has been
 named Bertha Lee Wright, and is now living.

WITNESSES TO SIGN:

(Must be Two
Witnesses.)Subscribed and sworn to before me this 5 day of November, 1902C. S. Stephens
 Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR-MIDWIFE.

UNITED STATES OF AMERICA, }

INDIAN TERRITORY,
Donkham District. }

I, _____, a _____, on oath state that I
 attended on Mrs. Viola Wright, wife of John T. Wright,
 on the 29 day of August, 1902; that there was born to her on said
 date a female child; that said child is now living and is said to have been
 (Male or female.)
 named Bertha Lee Wright.

WITNESSES TO SIGN:

(Must be Two
Witnesses.)Subscribed and sworn to before me this 10th day of November, 1902A. E. Willford
 Notary Public.

MEMORANDA.

Name Viola Wright. (22) (Date) June 13, 1900.
Ravich, J.J.

Choctaw? _____ County _____ Year _____ No. _____
 Chickasaw? Miss County _____ Year _____ Page _____

Citizen by blood? Yes, (1/2) Mother's citizenship Choc.

Intermarried citizen? _____

Married under what law? _____

License filed this day, _____

Wife's name, _____

Choctaw? _____ County _____ Year _____ No. _____

Chickasaw? _____ County _____ Year _____ Page _____

Citizen by blood? _____ Mother's citizenship _____

Intermarried citizen? _____

Married under what law? (Husband) John Wright.

License filed this day _____

Names of children:

8. <u>Dora Etta.</u>	County _____	Year _____	Page _____	No. _____
6. <u>Willie May.</u>	County _____	Year _____	Page _____	No. _____
4. <u>Nettie Belle.</u>	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____

Morris Love (father) (1/4) Head
Mary E. Scott (mother) Choc.

11
C-2-35.

Mustang, Indian Territory, November 14, 1902.

John T. Wright.

Revia, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Viola Wright and J. M. Huff relative to the birth of your minor child, Arthur Lee Wright, August 29, 1900; and the same being in proper form have been duly filed with the records of the Commission as evidence of birth of the above named child.

Respectfully,

Acting Chairman.

Chickasaw R. 35

Muskogee, Indian Territory, December 8, 1902.

Viola Wright,

Ravia, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application made by you for the enrollment of yourself and your three minor children, Dora Etta Wright, Willie May Wright and Nettie Bell Wright as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) *James Bixby.*

Acting Chairman.

1 inclosure.
MGB 13

Registered.

Muskogee, Indian Territory, December 8, 1902.

Hansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application for the enrollment of Viola Wright and her three minor children, Dora Etta Wright, Willie May Wright and Nettie Bell Wright, as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

1 inclosure.
MGB 14

COI
Muskegee, Indian Territory, December 8, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by Viola Wright for the enrollment of herself and her three minor children, Dora Etta Wright, Willie May Wright and Nettie Bell Wright as citizens of the Chickasaw Nation, including the decision of the Commission dated December 8, 1902, denying said application.

Respectfully,

Acting Chairman.

Through the
Commissioner of Indian Affairs.

Enc. Chickasaw R. 35

-:- C O P Y -:-

Land.
74,163-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, Jan. 15, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Viola Wright for the enrollment of her self and her three minor children, Dora Etta, Willie May and Nettie Belle Wright, as citizens by blood of the Chickasaw Nation.

The record evidence shows that this applicant claims for herself and her said children as Mississippi Chickasaws.

The Commission say in their decision that they have no right to determine applicants for identification as Mississippi Chickasaws as distinguished from Chickasaws by blood, and then find that it does not appear from the record evidence that the applicant or any of her said children have ever been enrolled as citizens of the Chickasaw Nation or admitted to citizenship therein in any manner, and that pursuant to the provisions of paragraph 2 of the act of Congress approved May 31, 1900, (31 Stats., 321), the Commission is without authority to receive, consider or make any record of their applications for enrollment as citizens by blood of the Chickasaw Nation.

The office concurs in said decision and recommends that the same be affirmed by the Department.

(W.C.B.) P.

Very respectfully, W.A. Jones, Commissioner.

D.C. 3328

-:- C O P Y -:-

EAF.

ITD.434-1903.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

L.R.S.

January 31, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

December 8, 1902, you transmitted the papers in the matter of the application for enrollment of Viola Wright and her minor children, Dora Etta, Willie May and Nettie Belle Wright, as citizens by blood of the Chickasaw Nation. It appears from your decision of December 8, 1902, that these persons applied for enrollment "as Mississippi Chickasaws" but as you are not by law authorized to receive such applications, you passed upon the rights of the applicants as citizens by blood of the Chickasaw Nation.

You found that they have never been enrolled or admitted to citizenship in said nation, and held that under the act of May 31, 1900 (31 Stat., 221), you are without authority to receive, consider or make any record of their application for enrollment as citizens by blood of the Chickasaw Nation. Forwarding the papers January 15, the Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

Thos. Ryan,

1 inclosure.

Acting Secretary.

COPY.

Chickasaw R.35

Muskogee, Indian Territory, February 11, 1903.

Viola Wright,

Ravia, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior under date of January 31, 1903, affirmed the decision of this Commission, dated December 8, 1902, refusing the application made by you for the enrollment of yourself, and your ~~three~~ minor children, Dora Etta Wright, Willie May Wright, and Nettie Belle Wright, as citizens of the Chickasaw Nation.

Respectfully,

(Sigs 11).

Tamie Bixby.

Acting Chairman.

COPY.

Chickasaw R. 35

Muskogee, Indian Territory, February 11, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of January 31, 1903, affirmed the decision of this Commission, dated December 8, 1902, refusing the application made by Viola Wright for the enrollment of herself and her three minor children, Dora Etta Wright, Willie May Wright and Nettie Belle Wright, as citizens of the Chickasaw Nation.

Respectfully,

(SIGNED).

Tams Bixby.

Acting Chairman.

Chickasaw R. 35

Muskogee, Indian Territory, February 17, 1904.

Viola Wright,

Ravia, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of February 7, relative to your claim to citizenship, and state that you are related to the Loves.

In reply to your letter you are advised that it appears from our records that on December 8, 1902, the Commission rendered its decision refusing the application of Viola Wright for the enrollment of herself and her children, Dora Etta, Willie May, Nettie Belle and Bertha Lee Wright, as citizens of the Chickasaw nation and on the same date the record in the case was forwarded to the Secretary of the Interior. On January 31, 1903, the Secretary of the Interior affirmed the decision of the Commission refusing your application. The Commission therefore considers this case closed.

Respectfully,

Commissioner in Charge.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

WM O BEALL,
Secretary

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

11708

PLEASE REPLY TO THE FOLLOWING

Chickasaw R 3

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 25, 1904.

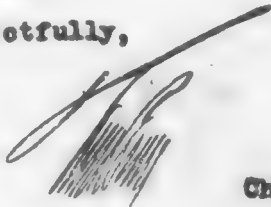
John M. Penn,

Bailey, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated October 25, 1904, dismissing your application for enrollment as a citizen by intermarriage of the Chickasaw Nation.

Respectfully,



Chairman.

Registered.

Incl. 9-R-5.

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



REGISTERED
OCT 27 1904
MUSKOGEE, IND. TER.

John M. Penn,

Bailey, Indian Territory .

1474
1232
DEPT. OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
MUSKOGEE, IND. TER.
MAR 23 1906



288.

Chic. R. 36

Chic. R. 36

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I. T., June 15, 1900.

In the matter of the application of Ruth Watkins for enrollment as a Chickasaw Indian; being sworn and examined by Acting Chairman Bixby she testifies as follows:

- Q What is your name? A Ruth Watkins.
Q What is your age? A Fifteen.
Q What is your post-office address? A Fox, I. T.
Q You are a married woman are you? A Yes sir.
Q How long have you lived at Fox? A Right at a year.
Q Do you remember on what month you came to Fox? A Yes sir.
Q What was it? A Well sir when I first come to Fox it was a year ago last May.
Q That would be May 1899? A Yes sir.
Q Where did you come from? A I have been raised in the Territory.
Q Been living in the Territory all your life? A Yes sir.
Q Born here? A Yes sir.
Q What is the name of your father? A Henry Bates.
Q Is he living? A Yes sir.
Q Is he a Chickasaw Indian? A No sir, he is a white man.
Q What is the name of your mother? A Margaret Bates.
Q Is she living? A Yes sir.
Q Is she a Chickasaw Indian? A Yes sir.
Q What proportion of Chickasaw Indian blood does she claim to have? A One-fourth.
Q Has her name ever been on the Chickasaw roll? A No sir, not that I know of.
Q Has she ever been recognized by the Chickasaw Tribal authorities as a Chickasaw Indian? A No sir.
Q What proportion of Chickasaw blood do you claim to have? A One-eighth.
Q Has your name ever been on the Tribal rolls? A No sir.
Q Have you ever been recognized by the Tribal authorities as a Chickasaw Indian? A No sir.
Q Did you ever apply to the Tribal authorities for enrollment as a Chickasaw Indian? A No sir.
Q Did you apply to the Dawes Commission in 1896? A No sir, this is the first time I ever applied to the Dawes Commission or anyone else.
Q What makes you think you are a Chickasaw Indian? A Because I have been taught that I was Chickasaw, and all of my connections is Chickasaw and my mother is a Chickasaw.
Q Have you any children? A No sir.
Q You are not making application in behalf of your husband? A No sir, he is a white man.
Q Is there any additional statement that you would like to make in regard to your case? A No sir, I don't know as there is.
Q Any papers you would like to file? A Yes sir.
Affidavit of Ruth Watkins offered in evidence, marked exhibit "A" and placed on file.)

Your enrollment as a Chickasaw Indian by blood is refused, for the reason that your name does not appear on the rolls of the Chickasaw Tribe now in the possession of this Commission, and for the additional reason that it appears from the testimony and the records in the possession of this Commission that you have never been recognized by the lawfully constituted authorities of the Chickasaw Nation, and for the further reason that it appears from the testimony and the records that you were not admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes acting under the law of June 10th, 1896, or by a judgment of the United States Court in the Indian Territory.

John William 20

M. D. Green, being first duly sworn, states that as stenographer to the commission to the Five Civilized Tribes he reported the foregoing case, and that the above and foregoing is a full, true and complete transcript of his stenographic notes taken in said case.


Subscribed and sworn to before me this 2nd day of June 1900.


Acting Chairman.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Ruth Watkins for enrollment as a citizen by blood of the Chickasaw Nation.

D E C I S I O N .

It appears from the record in this case that on June 15, 1900, the applicant, Ruth Watkins, appeared before the Commission at Colbert, Indian Territory, and made application for enrollment as a citizen by blood of the Chickasaw Nation.

It appears from the evidence offered in support of said application and examination of the tribal rolls of the Chickasaw Nation in the possession of the Commission that the applicant above named has never been enrolled as a citizen of the Chickasaw Nation and that her name does not appear upon the tribal rolls of the Chickasaw Nation.

It further appears from an examination of the records in the possession of the Commission that this applicant has never been admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes, or the legally constituted authorities of the said Nation or the United States Court in Indian Territory on appeal in accordance with the act of Congress of June 10, 1896, (30 Stats., 321).

The act of Congress of June 28, 1898, (30 Stats., 495), provides:


"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 221), provides:

"That said commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is therefore the opinion of this Commission that Ruth Watkins is not lawfully entitled to be enrolled as a member of the Chickasaw Tribe of Indians in Indian Territory, and that her application as such should be refused and it is so ordered.

The Commission to the Five Civilized Tribes.


C. K. Buckniser
Commissioner

Dated at Muskogee, Indian Territory,
this JAN 24 1902

Margaret L. Estes, et al.,

vs.

MOTION TO REOPEN.

Chickasaw Nation.

In the matter of the application for the enrollment of Margaret L. Estes, et al., as citizens by blood of the Chickasaw Nation. (9 R 36 and (R 37).

BEFORE THE HONORABLE SECRETARY OF THE INTERIOR:

Comes now the principal applicant in the above entitled cases, Margaret L. Estes, and, through her attorney, respectfully submits this, her motion to have her said case, and that of her daughter, Ruth Watkins, reopened, and, in support of this motion, states:

That she was born in the Chickasaw Nation, Indian Territory in the year _____; that she is the daughter of Martin Holder and Mary Jane Holder (nee Harris), both of whom were recognized citizens of said tribe; that her uncles, her father's brothers, Jack Holder, Ben Holder, John Holder (now deceased), and their sister, Samantha Looney (nee Holder), appear upon the tribal rolls, and upon the final roll of citizens by blood of the Chickasaw Nation; that when she was a baby, her mother died, and she was taken from the Chickasaw Nation to the State of Kentucky, where she lived until she was about twelve years of age, at which time she was married, and returned at once to the Chickasaw Nation; that her said father, Martin Holder, was about a half breed Chickasaw Indian, and was always recognized by the tribe as a citizen prior to the date of his death, in 1886; and that his name will be found upon the rolls of said tribe made prior to that date.

Petitioner further states, as will be shown by reference to the record in said cases, that she appeared in person before the Commission to the Five Civilized Tribes, acting under the provisions of the act of Congress approved June 26, 1898 (30 Stats., 494) and

the Act of May 31, 1900 (31 Stat., 821), and made application for her enrollment, and the enrollment of the others in her said case, as citizens of the Chickasaw Nation; that her said daughter, Ruth Watkins, likewise appeared; that their said applications were denied by said Commission on January 24, 1902, under the provisions of the said Act of May 31, 1900, and this decision, adverse to the applicants, approved by the Secretary of the Interior on February 28, 1902.

Petitioner, therefore, prays that the said decision, denying her and her said daughter, Ruth Watkins, be rescinded, and said cases be returned to the Commissioner to the Five Civilized Tribes with instruction to consider the enrollment and recognition of her said father by the Chickasaw Nation a sufficient recognition of her, his legitimate descendant, as to give the Commissioner jurisdiction to hear and determine her rights, and the rights of those claiming through her, upon their merits.

Respectfully submitted,

Webb & Etnie

Attorneys for applicants.

UNITED STATES OF AMERICA,
Indian Territory, SS.
Central District

Before me, J. A. Vincent, a Notary Public within and for the Central District, Indian Territory, personally appeared Margaret L. Estes, who being by me first duly sworn, on her oath deposes and says:

My name is Margaret L. Estes, my age is 36 years; my post office is Tupelo, Indian Territory; I am the daughter of Martin Holder, and Mary Jane Holder, who was Mary Jane Harris; that my father Martin Holder was a half breed Chickasaw Indian, and a duly recognized citizen of the Chickasaw Nation; that he died about the year 1890; that his name appears, or should appear upon the tribal rolls of said nation prior to that date; that my mother was a citizen by blood of the Choctaw Nation; that they came to this country with the tribe about the year 1832; that Mary Jane Holder, my mother died when I was a babe and I was taken by J. W. Yager to Kentucky, where I lived until I was about 12 years of age, when I married, and immediately returned to the Indian Territory, and have resided in the Chickasaw or Choctaw Nation ever since that date; that my children now living are Hermine Estes, Edward Scott Estes, Sarah Aslee Estes, Maudie Estes, Katie Tofettie Estes; that my children always attended the Tribal Schools up until this year; that my daughter Rutha Belle (Deceased) attended Bloomfield Academy, as did the children of other citizens, and that they were always recognized as having a right to go to the tribal schools. I was married in the year 1880 at Brownsville Kentucky (at the age of twelve)

Her
Margaret L. Estes
mark

Subscribed and sworn to before me this 6 day of April 1906.
(SEAL)

Witness to mark
J. O. Prowse
L. T. Sutherland

J. A. Vincent
Notary Public
My com. expires March 8th 1910

UNITED STATES OF AMERICA
Indian Territory, SS
Central District.

Before me, J. A. Vincent, a Notary Public within and for the Central District, Indian Territory, duly commissioned and acting as such, Lyman Frasier appeared in person, and being by me duly sworn, deposes and says:

My name is Lyman Frasier; my age is 88 years; my post office address is Owl, Indian Territory; I am a citizen by blood of the Choctaw Nation, and upon the approved rolls of said nation; that I have been acquainted with Margaret L. Estes for 3 years; that I was acquainted with her father and mother; that her father was Martin Holder, a half breed Chickasaw Indian; that he was a recognized Citizen of the Chickasaw Nation, up until the date of his death about 1890; that his name appears, or should appear upon the tribal rolls of the Chickasaw Nation made prior to that date; that her mother's name was Mary Jane Harris, who was a recognized citizen of the Choctaw nation, and whose name appears, or should appear upon the tribal rolls of said nation; that Mary Jane Harris died when Margaret Estes was a mere child, and that Margaret Estes was taken to Kentucky by J. W. Yager, where she remained until she was about 12 years old, when she returned to the Chickasaw Nation, where she has since resided.

his
Lyman X Frasier
mark

Subscribed and sworn to before me this 6 day of April 1906

J. A. Vincent
Notary Public

My com expires March 8, 1910.

(SEAL)
Witness to mark
J. O. Prowse
J S Sutterfield.

UNITED STATES OF AMERICA,
Indian Territory,
Central District,

SS.

Before me, J. A. Vincent, a Notary Public within and for the Central District, Indian Territory, duly commissioned and acting as such, Elias Harris appeared in person, and being by me duly sworn deposes and says:

My name is Elias Harris; my age is 25 ye 11 mo my post office address is Owl, Indian Territory; I am a citizen by blood of the Choctaw Nation, and upon the approved rolls of said nation; that I have been acquainted with Margaret L. Estes, for 3 years; that I was acquainted with her father and mother; that her father was Martin Holder, a half breed Chickasaw Indian; that he was a recognized Citizen of the Chickasaw Nation, up until the date of his death about 1890; that his name appears, or should appear upon the tribal rolls of the Chickasaw Nation made prior to that date; that her mother's name was Mary Jane Harris, who was a recognized citizen of the Choctaw nation, and whose name appears, or should appear upon the tribal rolls of said nation; that Mary Jane Harris died when Margaret Estes was a mere child, and that Margaret Estes was taken to Kentucky by J. W. Yager, where she remained until she was about 12 years old, when she returned to the Chickasaw Nation, where she has since resided.

Elias Harris

Subscribed and sworn to before me this 8 day of April, 1906.

J. A. Vincent
Notary Public

(SEAL)

My com expires March 8th 1910

UNITED STATES OF AMERICA,
Indian Territory,
Central District,

88 .

Before me, J. A. Vincent, a Notary Public within and for the Central District, Indian Territory, duly commissioned and acting as such, James Harris appeared in person, and being by me duly sworn, deposes and says:

My name is James Harris; my age is 22 years my post office address is Owl, Indian Territory; I am a citizen by blood of the Choctaw Nation, and upon the approved rolls of said nation; that I have been acquainted with Margaret L. Estes, for 3 years; that I was acquainted with her father and mother; that her father was Martin Holder, a half breed Chickasaw Indian; that he was a recognized Citizen of the Chickasaw Nation, up until the date of his death about 1890; that his name appears, or should appear upon the tribal rolls of the Chickasaw Nation made prior to that date; that her mother's name was Mary Jane Harris, who was a recognized citizen of the Choctaw Nation, and whose name appears, or should appear upon the tribal rolls of said nation; that Mary Jane Harris died when Margaret Estes was a mere child, and that Margaret Estes was taken to Kentucky by J. W. Yager, where she remained until she was about 12 years old, when she returned to the Chickasaw Nation, where she has since resided.

(SEAL)

James Harris/

Subscribed and sworn to before me this 7 day of April, 1906.

J. A. Vincent
Notary Public

My commission expires March 8th 1910.

In the matter of the application of Ruth Watkins for enrollment:
To the Honorable commission to the five civilized tribes;

Ruth Watkins applied for enrollment as a citizen by blood of the chickasaw nation or tribe of indians and states;- That she is 15 years old and was lawfully married to G.W.Watkins on the 13 day of Sept.1899.

That she has resided in the choctaw and chickasaw nations all her life and is the daughter of Margarette Louisa Estes and her husband W.H.Estes. That Margarette Louisa Estes is the daughter of Martin Holder and his wife Mary Jane Holder- That Martin Holder was the brother of Samantha Looney, Jack Holder, Ben Holder, John Holder deceased and that said Martin Holder, Ben Holder, John Holder deceased and Samantha Looney are chickasaw indians by blood and those living are enrolled on chickasaw indian rolls and were enrolled by the commission to the five civilized tribes.

Applicant says that she is a chickasaw indian by blood and that under the laws, usages and customs of the chickasaw nation or tribe of indians and the laws of the united states and the treaties entered into between the united states and the chickasaw tribe of indians, applicant is entitled to be enrolled and recieve all the rights, priviliges and immunities of a citizen of the chickasaw nation.

She therefore prays that she be enrolled and for all proper orders and relief.

Post office
Durant, I.T.

Johnson & Horton, Pool & Howe
Attorneys,

Central district, Indian territory;

I, Ruth Watkins after being duly sworn state that the facts set forth in the foregoing application are true to the best of my knowledge and belief.

(Signed) Ruth Watkins ^{her}
mark

Witness L D.Horton

Subscribed and sworn to before me this the 9th day of June 1900.
(Seal.)

(Signed) L.D.Horton Notary Public

Endorsed on back: "Application of Ruth Watkins for enrollment as a citizen of the chickasaw nation. Filed Jun 15 1900 Commission to Five Tribes."

MEMORANDA.

Name Ruth Watkins (15) (Date) June 15, 1900.
Fox, I. J.

Choctaw ? County Year No.

Chickasaw ? Yes County Year Page

Citizen by blood ? Yes Mother's citizenship Chic. (1/4)

Intermarried citizen ?

Married under what law ?

License filed this day,

Wife's name,

Choctaw ? County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Mother's citizenship

Intermarried citizen ?

Married under what law ?

License filed this day

Names of children :

.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.

Henry Estes (father)
Margaret Estes (mother) (Chic 1/4)
 "

Waukegan, Indian Territory, October 17, 1900.

G. W. Watkins,

Fox, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 6th instant in the matter of the application for enrollment as a citizen of the Chickasaw Nation of Ruth Watkins, and in which you state that she appeared before this Commission at Colbert, Indian Territory, on June 16th, 1900 but that she has not up to this time received any communication from the Commission as to any action upon her application.

You are informed that the records of this Commission show that at Colbert, Indian Territory, on June 15th, 1900, Ruth Watkins 15 years of age, appeared before this Commission and made application for enrollment as a citizen by blood of the Chickasaw Nation. The Commission heard her oral testimony at that time and on that date rendered the following judgment refusing her enrollment:

"Your enrollment as a Chickasaw Indian by blood is refused, for the reason that your name does not appear on the rolls of the Chickasaw Tribe now in the possession of this Commission, and for the additional reason that it appears from the testimony and the records in the possession of this Commission that you have never been recognized by the lawfully constituted authorities of the Chickasaw Nation, and for the further reason that it appears from the testimony and the records that you were not admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes acting under the law of June 10th, 1896, or by a judgment of the United States Court in the Indian Territory."

The Commission will in the near future furnish the applicant with a written decision, stating fully therein the reason for

10. 1. 1948.

Any action the Commission has taken in the matter of our application.

Yours truly,

Acting Chairman,

Page 25

-Copy-

Muskogee, Indian Territory, January 24, 1902.

Ruth Watkins,

Fox, Indian Territory,

Dear Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself as a citizen of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(Signed) Tans Bixby

Acting Chairman.

1 inclosure
Chickasaw R 26
Registered.

-Copy-

Muskogee, Indian Territory, January 24, 1902.

Messrs Mansfield, McFarrey & Cornish,

Attorneys for the Cherokee and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five civilized Tribes in the matter of the application for the enrollment of Ruth Watkins as a citizen of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(Signed) Tamm Birby

Acting Chairman.

1 inclosure
Chickasaw R 36
Registered.

-Copy-

Muskogee, Indian Territory, January 24, 1902.

Chester Howe,

Attorney at Law,

623 F Street, N. W.

Washington, D.C.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Hugh Watkins as a citizen of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(Signed) Tans Bixby

Acting Chairman.

1 inclosure
Chickasaw N 26
Registered.

-Copy-

Muskogee, Indian Territory, January 24, 1902.

J. O. Pool,

Attorney at Law,

Beckon, Texas,

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Ruth Watkins as a citizen of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(Signed) Tom Moley

Acting Chairman.

2 inclosures
Chickasaw R 36
Registered.

-Copy-

Muskogee, Indian Territory, January 24, 1902.

Johnson & Horton,

Attorneys at Law,

Durant, Indian Territory,

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Ruth Watkins as a citizen of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the commission is informed of the same.

Yours truly,

(Signed) Tams Bixby

Acting Chairman.

1 inclosure
Chickasaw E 36
Registered.

-Copy-

Muskogee, Indian Territory, January 24, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Ruth Watkins for enrollment as a citizen of the Chickasaw Nation, including the decision of the Commission, dated January 24, 1902, refusing the application for the enrollment of Ruth Watkins as a citizen of said nation.

Respectfully,

(Signed) Tams Bixby

Acting Chairman.

1 inclosure
Chickasaw B 36

Through the Commissioner
of Indian Affairs.

Chickasaw R 36

Muskogee, Indian Territory, February 24, 1902.

A. D. Davis,
Postmaster,
Fox, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 13th instant, in which you state that you have had in your office for some time a registered letter from the Commission addressed to Ruth Watkins and that she is dead and you desire to be advised what to do with said letter.

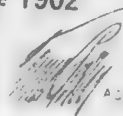
If as you state, Ruth Watkins is dead, you are requested to return the letter addressed to her to this Commission.

Yours truly,

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 14 1902



ACTING CHAIRMAN.

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DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I.T.D.1137 &
1101-1902.

February 28, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Your decision of January 24, 1902, rejecting the application for enrollment of Ruth Watkins as a citizen by blood of the Chickasaw Nation, case R 36, in accordance with the act of May 31, 1900 (31 Stat., 221), is hereby affirmed, as recommended by the Commissioner of Indian Affairs in letter of February 14.

Respectfully,

Thos Ryan

Acting Secretary.

EMD

COPY

Chickasaw R 36

Muskogee, Indian Territory, March 14, 1902.

Ruth Watkins,

Fox, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of February 28, 1902, affirmed the decision of the Commission, dated January 24, 1902, denying the application made by you for the enrollment of yourself as a citizen of the Chickasaw Nation.

Yours truly,

(SIGNED) *I. D. Needles.*

Commissioner in Charge.

Chickasaw R 36

COPY

Muskogee, Indian Territory, March 14, 1902.

Chester Howe,

Attorney at Law,

623 F. Street, N. Y.,

Washington, D. C.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of February 28, 1902, affirmed the decision of the Commission, dated January 24, 1902, denying the application made by Ruth Watkins for enrollment as a citizen of the Chickasaw Nation.

Yours truly,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

COPY.

Chickasaw R 36

Muskogee, Indian Territory, March 14, 1902.

J. O. Pool,

Attorney at Law,

Waco, Texas.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of February 28, 1902, affirmed the decision of the Commission, dated January 24, 1902, denying the application made by Ruth Watkins for enrollment as a citizen of the Chickasaw Nation.

Yours truly,

(SIGNED)

E. E. Needles.

Commissioner in Charge.

COPY.

Chickasaw R 36

Muskogee, Indian Territory, March 14, 1902.

Johnson & Horton,

Attorneys at Law,

Durant, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of February 28, 1902, affirmed the decision of the Commission, dated January 24, 1902, denying the application made by Ruth Watkins for enrollment as a citizen of the Chickasaw Nation.

Yours truly,

(SIGNED) *E. D. Needles.*

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, March 14, 1902.

Messrs Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior,
under date of February 28, 1902, affirmed the decision of the
Commission, dated January 24, 1902, denying the application made
by Ruth Watkins for enrollment as a citizen of the Chickasaw
Nation.

Yours truly,

(SIGN) *T. B. Needles,*
Commissioner in Charge.

Muskogee , Indian Territory, March 22, 1902.

E. W. Watkins,

Allen, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 24th ultimo, in which you desire to be advised as to the action if any, that has been taken on the application for enrollment of Ruth Watkins as a citizen of the Chickasaw Nation, who appeared before the Commission at Colbert, Indian Territory, June 15, 1900.

Replying to your inquiry you are advised that on January 24, 1902, the Commission refused the application made by Ruth Watkins for enrollment as a citizen of the Chickasaw Nation and on that date transmitted to her at Fox, Indian Territory, a copy of the said decision. This letter of notification was returned to the Commission by the Postmaster at Fox, Indian Territory, with the information that he was unable to locate Ruth Watkins and is now enclosed you herewith and you are requested to deliver said communication to this woman.

You are further advised that on February 22, 1902, the Secretary of the Interior affirmed the action of the Commission in refusing to enroll Ruth Watkins as a citizen of the Chickasaw Nation and that such action was final and that this woman is in

NOV 2

no way entitled to rights to citizenship or to enrollment in the Chickasaw Nation nor can this Commission or any other authority of the United States or of the Chickasaw Nation further entertain an application for such enrollment.

The Commission has recently been advised that Ruth Watkins has died since the time she made application for enrollment, June 15, 1900 and if this is correct, you are requested to inform the Commission of such fact.

We cannot reply to any further communication relative to the enrollment of this woman as a citizen of the Chickasaw Nation.

Yours truly,

Commissioner in Charge.

Enc Y 122

Muskogee, Indian Territory, April 8, 1902.

G. W. Watkins,

Allen, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 1st instant stating that your wife Ruth Watkins, died July 11, 1901. For the purpose of making her death a matter of record there is enclosed you herewith a blank for proof of death which you are kindly requested to have properly executed at your earliest convenience and return in the enclosed envelope which requires no postage.

You will notice that there is an affidavit for a relative and an acquaintance; in having the same executed be careful to see that all blanks are properly filled, all names written in full, and in event either of the persons whose names are to be affixed to the affidavit are unable to write and their signatures are by mark that such signatures be attested by two disinterested parties witnesses thereto.

The notary public before whom the affidavit

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are acknowledged must affix his notarial jurat and seal
to each separate affidavit.

Yours truly,

Env.

Commissioner in Charge.

D. C.

Chickasaw R 36

Muskogee, Indian Territory, June 25, 1902.

G. W. Watkins,

Allen, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 17th instant, in which you desire to be informed if Margaret L. Esters is a recognized citizen of the Chickasaw Nation.

You are advised that on January 24, 1902, the Commission rendered a decision refusing the application of Margaret L. Esters for the enrollment of herself and her children as citizens of the Chickasaw Nation and on February 28, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing said application.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, December 19, 1902.

Viola Wright,

Ravia, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 15th instant, relative to the decision of the Commission refusing the right to enrollment as citizens of the Chickasaw Nation of yourself and minor children. You state that you employed J. E. Arnold to represent you, and that you had furnished him several affidavits to be filed, in support of your case. You desire to be informed if the affidavits were filed with the Commission.

In reply, you are advised that it does not appear that any affidavits were filed in your case, the only evidence therein being your oral statement, made at the time you presented your application.

Respectfully,

Commissioner in Charge.

9-R-36
9-R-37

Muskogee, Indian Territory, December 16, 1903.

Webb & Ennis,

Ada, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of December 12, 1903, asking to be advised the status of the application of Marguerette Louisa Estes and her children including Ruth Watkins who are citizens by blood of the Chickasaw Nation.

In reply to your letter you are advised that on January 24, 1902, the Commission to the Five Civilized Tribes rendered a decision refusing the application for the enrollment of Margaret Louisa Estes and her children including Ruth Watkins as citizens of the Chickasaw Nation and on February 28, 1902, this action was approved by the Secretary of the Interior. This case is therefore considered closed.

Respectfully,

Commissioner.

9-A-36
9-A-37

Muskogee, Indian Territory, May 16, 1906.

Webb & Eanis,

Attorneys at Law,

Ada, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your petition on behalf of Margaret L. Estes and Ruth Watkins to have their applications for enrollment as citizens of the Chickasaw Nation reopened and the same has been transmitted to the Secretary of the Interior.

Respectfully,

Acting Commissioner.

Muskogee, Indian Territory, May 17, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

On January 24, 1902, the Commission to the Five Civilized Tribes rendered its decision refusing the application of Margaret L. Estes, for the enrollment of herself and her five minor children and Ruth Watkins her married daughter, as citizens of the Chickasaw Nation and on February 28, 1902, this action was approved by the Secretary of the Interior.

I now have the honor to transmit herewith a motion of Webb & Knis to reopen the application for the enrollment of Margaret L. Estes et al., and Ruth Watkins et al., as citizens of the Chickasaw Nation for the consideration of the Department.

Respectfully,

Chickasaw R 36.

Acting Commissioner.

Through the Commissioner
of Indian Affairs.

Chic.R-37

Chic.R-37

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I. T., June 15, 1900.

In the matter of the application of Margaret L. Esters for enrollment as a Chickasaw; being sworn and examined by Acting Chairman Sixty she testifies as follows:

- Q What is your name? A Margaret L. Esters.
- Q What is your age? A Twenty-eight.
- Q What is your post-office address? A Durant, I. T.
- Q You say you are twenty-eight years old? A Yes sir.
- Q Is this woman that was just on the stand your daughter? (Referring to Ruth Watkins, 15 years old) A Yes sir.
- Q She is fifteen years old? A Yes sir. And she ain't the oldest one, but I am able to prove my age.
- Q How long have you lived in the Territory? A I have been here the principal part of my life days; I was taken away from here when a child; I was raised an orphan.
- Q Where were you born? A I was born out on Rock River; I suppose it was in the Nation; I couldn't state where I was born. My mother died when I was an infant and my father turned me over to John Walkers, and he taken me to Tennessee and Kentucky and then to Missouri and back to Kentucky in 1883, August 1st, lacking 7 years, I was married to W. H. Esters in Kentucky; I turned, and I have been right in this Territory and in this Choctaw and Chickasaw Nation all the time, but I have been in the Nation ever since, the Creek and here and the Chickasaw.
- Q What is the name of your father? A Mortie Holder.
- Q He living? A No sir.
- Q Was he a Choctaw Indian? A Yes sir.
- Q What proportion of Choctaw Indian blood did he claim to have? A I don't know much about my father, but I think he claimed to be half.
- Q Was his name ever on the Chickasaw rolls? A I couldn't say, but his brothers and his sisters and all of those is on the rolls. I have got an affidavit, I couldn't say just for certain that my father was; I was taken from my father at a little bit of a baby, and I was kept away, and I saw him one more time after that.
- Q You don't know whether he was ever recognized by the Tribal authorities as a Chickasaw Indian or not? A I don't know for certain, but I think you can find his name on the rolls; he was enrolled years ago though.
- Q He has been dead sometime? A He has been dead fourteen years.
- Q What is the name of your mother? A Mary Jane Holder.
- Q Is she living? A No sir.
- Q Was she a white woman? A Or a Chickasaw Indian? A I reckon she was a white woman.
- Q What proportion of Choctaw Indian blood do you claim to have? A One-fourth; not Choctaw, I am Chickasaw.
- Q Has your name ever been on the Chickasaw Tribal rolls? A No sir.
- Q Have you ever been recognized by the Tribal authorities as a Chickasaw Indian? A No sir.
- Q Did you ever apply to the Chickasaw Tribal authorities for enrollment as a Chickasaw Indian? A No sir, never knowed that you had to be enrolled until last November at Durant some one of these commissioners, Mrs. Terry says Mrs. Esters claims to be an Indian; he says, are you on the roll, I says, No sir, and he says, you cannot hold any land without you are on the roll.
- (Here applicant's attorney states that Mr. Telle is the party to whom the lady refers in her statement.)
- Q Did you apply to the Dawes Commission in 1896? A No sir, this is my first time.

Margaret L. Esters #2

- Q Are you married now? A Yes sir.
Q Claiming anything for your husband? A No sir, he is a white man.
Q Have you any children under twenty-one, unmarried?
A Yes sir.
Q Your children living with you, that are unmarried? A Yes sir.
Q You claim that they are Chickasaws do you? A Yes sir.
Q What is the name of your husband? A William H. Esters.
Q What are the names of your children under twenty-one and unmarried? A Albertina, twelve; Thomas F., ten; Maudie F., ten; Herman F., seven; Katie L., six.
Q Is there any additional statement that you would like to make at this time in regard to your case? A No sir, not that I know of.
Q Have you any papers that you would like to file with this commission? A

Affidavit of Margaret Louisa Esters offered in evidence marked Exhibit "A" and placed on file.)

Examined by Attorney B. S. Johnson:

- Q You stated I believe that you were taken out of the Territory, was born in the Territory, and taken out of the Territory at the death of your mother when you was small? A Yes sir.
Q Less than a year old? A Yes sir.
Q And remained out until you was about twelve years old?
A Well I lacked from the 12th day of August until November being twelve years old, and I was married four months and eight days when I returned here.
Q You returned immediately to the Territory? A Yes sir.
Q And have been living in the Territory ever since? A Yes sir.
Q I will ask you if any of your uncles are living in the Territory? A Yes sir all of them.
Q What are their names? A Jack Holder, Burton Holder, John Holder.
Q Are these enrolled? A Jack Holder and Burton Holder is enrolled and Aunt Samantha Zooney is enrolled, that is my father's oldest sister.
Q You stated to the Commissioner that you didn't know that it was necessary for you to be enrolled? A Yes sir.
Q You didn't know it until this gentleman told you it would be necessary for you to be enrolled? A No sir.
Q Is that the reason you never applied to the Dawes Commission before? A That was the reason, for I thought I could be a Indian like everybody else; I didn't know you had to get other authorities.
Q Have you any witnesses here, is Mrs. Frazier here?
A She is here somewhere, but I don't know where.
Q Do you want to introduce her in this matter to prove any of these facts? A (Witness not on hand.) And attorney says will submit her affidavit later.)

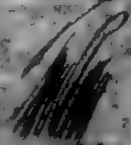
Your enrollment, and the enrollment of your children as Choctaw Indians by blood is refused, for the reasons that your name do not appear upon the Tribal rolls of the Chickasaw Nation now in the possession of this Commission; for the additional reason that it appears from the testimony in this case, that neither you nor your children have ever been recognized by the lawfully constituted authorities of the Chickasaw Nation as citizens of said Nation, and for the further reason that it appears from the testimony and the record that you were not admitted by the Commission to the Five Civilized Tribes as citizens of the Chickasaw Nation, acting under the Act of Congress of June 10th 1896, or by a judgment of the United States Court in the Indian Territory.

Margaret L. Esters 20

W.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case, and that the above and foregoing is a full, true and complete transcript of his stenographic notes taken in said case.

M. D. Green

Subscribed and sworn to before me this 10 day of June 1900.



Acting Chairman.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Margaret L. Esters (Ester) for the enrollment of herself and her five minor children, Albertina, Thomas F., Maudie F., Herman F. and Katie L. Esters (Ester) as citizens by blood of the Chickasaw Nation.

D E C I S I O N .

It appears from the record in this case that on June 15, 1900, the applicant, Margaret L. Esters (Ester) appeared before the Commission at Colbert, Indian Territory, and made application for the enrollment of herself and her five minor children, Albertina Esters, Thomas F. Esters, Maudie F. Esters, Herman F. Esters, and Katie L. Esters (Ester), as citizens by blood of the Chickasaw Nation.

It appears from the evidence offered in support of said application and examination of the tribal rolls of the Chickasaw Nation in the possession of the Commission that the applicants above named have never been enrolled as citizens of the Chickasaw Nation and that their names do not appear upon the tribal rolls of the Chickasaw Nation.

It further appears from an examination of the records in the possession of the Commission that these applicants have never been admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes, or the legally constituted authorities of the said Nation or the United States Court in Indian Territory on appeal in accordance with the act of Congress of June 10, 1906, (34 Stat., 221).

The act of Congress of June 28, 1898, (30 Stats., 495),
provides:

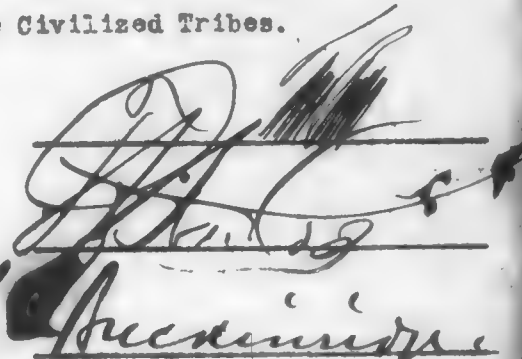
"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 221),
provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is therefore the opinion of this Commission that Margaret L. Esters (Estes) and her five minor children, Albertina Esters, Thomas F. Esters, Maudie F. Esters, Herman F. Esters and Katie L. Esters (Estes) are not lawfully entitled to be enrolled as members of the Chickasaw Tribe of Indians in Indian Territory and that their application as such should be refused and it is so ordered.

The Commission to the Five Civilized Tribes.


Ch. Buchanan
Commissioner.

Dated at Muskogee, Indian Territory,

this JAN 24 1902

Margaret L. Estes, et al.,

vs.

MOTION TO REOPEN.

Chickasaw Nation.

In the matter of the application for the enrollment of Margaret L. Estes, et al., as citizens by blood of the Chickasaw Nation. (9 R 36 and 4 R 37).

BEFORE THE HONORABLE SECRETARY OF THE INTERIOR:

Comes now the principal applicant in the above entitled cases, Margaret L. Estes, and, through her attorney, respectfully submits this, her motion to have her said case, and that of her daughter, Ruth Watkins, reopened, and, in support of this motion, states:

That she was born in the Chickasaw Nation, Indian Territory in the year _____; that she is the daughter of Martin Holder and Mary Jane Holder (nee Harris), both of whom were recognized citizens of said tribe; that her uncles, her father's brothers, Jack Holder, Ben Holder, John Holder (now deceased), and their sister, Samantha Leoney (nee Holder), appear upon the tribal rolls, and upon the final roll of citizens by blood of the Chickasaw Nation; that when she was a baby, her mother died, and she was taken from the Chickasaw Nation to the State of Kentucky, where she lived until she was about twelve years of age, at which time she was married, and returned at once to the Chickasaw Nation; that her said father, Martin Holder, was about a half breed Chickasaw Indian, and was always recognized by the tribe as a citizen prior to the date of his death, in 1884, and that his name will be found upon the rolls of said tribe made prior to that date.

Her said father states, as will be shown by reference to the record in said cases, that she appeared in person before the Commission to the Five Civilized Tribes, acting under the provisions of the Act of Congress approved June 20, 1896 (30 Stat. 496), and

the Act of May 31, 1900 (31 Stats., 221), and made application for her enrollment, and the enrollment of the others in her said case, as citizens of the Chickasaw Nation; that her said daughter, Ruth Watkins, likewise appeared; that their said applications were denied by said Commission on January 24, 1902, under the provisions of the said Act of May 31, 1900, and this decision, adverse to the applicants, approved by the Secretary of the Interior on February 28, 1902.

Petitioner, therefore, prays that the said decision, denying her and her said daughter, Ruth Watkins, be rescinded, and said cases be returned to the Commissioner to the Five Civilized Tribes with instruction to consider the enrollment and recognition of her said father by the Chickasaw Nation a sufficient recognition of her, his legitimate descendant, as to give the Commissioner jurisdiction to hear and determine her rights, and the rights of those claiming through her, upon their merits.

Respectfully submitted,

Webb & Ennis

Attorneys for applicants.

UNITED STATES OF AMERICA,
Indian Territory, SS.
Central District

Before me, J. A. Vincent, a Notary Public within and for the Central District, Indian Territory, personally appeared Margaret L. Estes, who being by me first duly sworn, on her oath deposes and says:

My name is Margaret L. Estes, my age is 36 years; my post office is Tupelo, Indian Territory; I am the daughter of Martin Holder, and Mary Jane Holder, who was Mary Jane Harris; that my father Martin Holder was a half breed Chickasaw Indian, and a duly recognized citizen of the Chickasaw Nation; that he died about the year 1890; that his name appears, or should appear upon the tribal rolls of said nation prior to that date; that my mother was a citizen by blood of the Choctaw Nation; that they came to this country with the tribe about the year 1832; that Mary Jane Holder, my mother died when I was a babe and I was taken by J. W. Yager to Kentucky, where I lived until I was about 12 years of age, when I married, and immediately returned to the Indian Territory, and have resided in the Chickasaw or Choctaw Nation ever since that date; that my children now living are Hermine Estes, Edward Scott Estes, Sarah Aslee Estis, Maudie Estis, Katie Tofettie Estis; that my children always attended the Tribal Schools up until this year; that my daughter Rutha Belle (Deceased) attended Bloomfield Academy, as did the children of other citizens, and that they were always recognized as having a right to go to the tribal schools. I was married in the year 1890 at Brownsville Kentucky (at the age of twelve)

Her
Margaret L. Estes
mark

Subscribed and sworn to before me this 6 day of April 1906.

J. A. Vincent
Notary Public
My com. expires March 8th 1910

Witness to mark
J. Q. Brown
L. T. Sutherland

(SEAL)

UNITED STATES OF AMERICA
 Indian Territory, SS
 Central District.

Before me, J. A. Vincent, a Notary Public within and for the Central District, Indian Territory, duly commissioned and acting as such, Lyman Frazier appeared in person, and being by me duly sworn, deposes and says:

My name is Lyman Frazier; my age is 88 years; my post office address is Owl, Indian Territory; I am a citizen by blood of the Choctaw Nation, and upon the approved rolls of said nation; that I have been acquainted with Margaret L. Estes for 3 years; that I was acquainted with her father and mother; that her father was Martin Holder, a half breed Chickasaw Indian; that he was a recognized Citizen of the Chickasaw Nation, up until the date of his death about 1890; that his name appears, or should appear upon the tribal rolls of the Chickasaw Nation made prior to that date; that her mother's name was Mary Jane Harris, who was a recognized citizen of the Choctaw nation, and whose name appears, or should appear upon the tribal rolls of said nation; that Mary Jane Harris died when Margaret Estes was a mere child, and that Margaret Estes was taken to Kentucky by J. W. Yager, where she remained until she was about 12 years old, when she returned to the Chickasaw Nation, where she has since resided.

his
 Lyman X Frazier
 mark

Subscribed and sworn to before me this 6 day of April 1906

J. A. Vincent
 Notary Public

(SEAL)

My com expires March 8, 1910.

Witness to mark
 J. O. Frowse
 J S Sutterfield.

UNITED STATES OF AMERICA,
Indian Territory, SS.
Central District,

Before me, J. A. Vincent, a Notary Public within and for the Central District, Indian Territory, duly commissioned and acting as such, Elias Harris appeared in person, and being by me duly sworn deposes and says:

My name is Elias Harris; my age is 25 ye 11 mo my post office address is Owl, Indian Territory; I am a citizen by blood of the Choctaw Nation, and upon the approved rolls of said nation; that I have been acquainted with Margaret L. Estes, for 3 years; that I was acquainted with her father and mother; that her father was Martin Holder, a half breed Chickasaw Indian; that he was a recognized Citizen of the Chickasaw Nation, up until the date of his death about 1890; that his name appears, or should appear upon the tribal rolls of the Chickasaw Nation made prior to that date; that her mother's name was Mary Jane Harris, who was a recognized citizen of the Choctaw nation, and whose name appears, or should appear upon the tribal rolls of said nation; that Mary Jane Harris died when Margaret Estes was a mere child, and that Margaret Estes was taken to Kentucky by J. W. Yager, where she remained until she was about 12 years old, when she returned to the Chickasaw Nation, where she has since resided.

Elias Harris

Subscribed and sworn to before me this 5 day of April, 1906.

J. A. Vincent
Notary Public

My com expires March 8th 1910

(SEAL)

UNITED STATES OF AMERICA,
Indian Territory,
Central District,

SS .

Before me, J. A. Vincent, a Notary Public within and for the Central District, Indian Territory, duly commissioned and acting as such, James Harris appeared in person, and being by me duly sworn, deposes and says:

My name is James Harris; my age is 22 years my post office address is Owl, Indian Territory; I am a citizen by blood of the Choctaw Nation, and upon the approved rolls of said nation; that I have been acquainted with Margaret L. Estes, for 3 years; that I was acquainted with her father and mother; that her father was Martin Holder, a half breed Chickasaw Indian; that he was a recognized Citizen of the Chickasaw Nation, up until the date of his death about 1890; that his name appears, or should appear upon the tribal rolls of the Chickasaw Nation made prior to that date; that her mother's name was Mary Jane Harris, who was a recognized citizen of the Choctaw Nation, and whose name appears, or should appear upon the tribal rolls of said nation; that Mary Jane Harris died when Margaret Estes was a mere child, and that Margaret Estes was taken to Kentucky by J. W. Yager, where she remained until she was about 12 years old, when she returned to the Chickasaw Nation, where she has since resided.

(SEAL)

James Harris/

Subscribed and sworn to before me this 7 day of April, 1906.

J. A. Vincent
Notary Public

My commission expires March 8th 1910.

Know all men by This Presence that I Samantha Loney
appeared before me a Notary Public for the Southern District
Ind. Ter. Stating that she, is a Sister to Martin Holder.
Also that Margett Ester is a daughter of
Martin Holder, my Brother. Also that five of said Samantha Looneys
Brothers were enrolled by Daws Commission in the Year A.D.1898.

Names as follows J. R. Holder, and B. A. Holder.

Her
(Signed) Samantha X Long
mark.

Witness, T. M. Looney.

Duly sworn by me this day Feb---1st A.D.1900.

(Signed) H. F. Keller Notary Public

(Seal).

Exhibit "A"

To the Commission to the Five Civilized Tribes,

In the matter of the application of Margaret Louisa Estes for enrollment as a Chickasaw Indian by blood; Applicant states on oath that she is the mother of eight children now living, as follows; Edward aged 17 years, Asalee aged 16, Ruth aged 15, Albertina aged 12, Thomas and Maude age 10, Herman Franklin age 7 and Katie Estes age 6. She says that she is now ~~twenty~~ 28 years old and has been married to W.H. Estes since August 1, 1883.

Says that she was born in the Chickasaw Nation of Chickasaw parents and that her fathers name was Martin Holder and her mothers name was Mary Jane Holder and that they came to the Chickasaw Nation with the tribe about 1832 and remained with the tribe until their death. Her father was always recognized as a Chickasaw Indian by blood always participating with the tribe in all matters of government and was as she is informed and believes enrolled on the old tribal rolls. Says that she is a niece of Jack Holder and Samantha Looney and that she is informed and believes that they are now both enrolled as Chickasaw Indians by the Dawes Commission.

Affiant farther says that she has always resided in the Choctaw and Chickasaw Nations since her birth, but was taken out of the Territory by John Yexer when but a baby and returned when about 11 years old and has never resided in any other place than the Territory.

She says that she has never applied to the Commission before for enrollment because she did not know that it would be required of her to do so until last November when she was informed by one of the members of the Dawes Commission that she and her children would have to be enrolled before they could hold land in the Territory.

Affiant asks that she and her witnesses be heard and upon proof of sufficient facts being made which she here tenders that she Margaret Louisa Estes and her children, Edward Estes, Asalee Estes, Ruth Estes, Albertina Estes, Thomas Estes, Maude Estes, Herman Franklin Estes, and Katie Estes, be enrolled by blood as citizens of the Chickasaw Nation Indian Territory. She filed the affidavit of Samantha Looney as exhibit "A" heretofore. (Seal)

(Signed) Margaret Louisa Estes.

Sworn to and subscribed before me this 12 day of June 1900.

(Signed) B.S. Johnson, Notary Public

Endorsed: Filed Jun 15 1900 Commission to Five Tribes

MEMORANDA.

Name Margaret Esters, (28) (Date) June 15, 1900.
Durant, J. T.

Choctaw? _____ County _____ Year _____ No. _____
 Chickasaw? yes, County _____ Year _____ Page _____
 Citizen by blood yes, ($\frac{1}{4}$) Mother's citizenship (n. s.)
 Intermarried citizen? _____

Married under what law? _____

License filed this day, _____
(Husband) Mr. Henry Esters.

Choctaw? _____ County _____ Year _____ No. _____

Chickasaw? _____ County _____ Year _____ Page _____

Citizen by blood? _____ Mother's citizenship _____

Intermarried citizen? _____

Married under what law? _____

License filed this day _____

Names of children:

- ~~10. Albert J.~~
- ~~10. Thomas J.~~
- ~~7. Herman J.~~
- ~~6. Katie L.~~

10. Maudie J.

County _____	Year _____	Page _____	No. _____
County _____	Year _____	Page _____	No. _____
County _____	Year _____	Page _____	No. _____
County _____	Year _____	Page _____	No. _____
County _____	Year _____	Page _____	No. _____
County _____	Year _____	Page _____	No. _____
County _____	Year _____	Page _____	No. _____
County _____	Year _____	Page _____	No. _____
County _____	Year _____	Page _____	No. _____
County _____	Year _____	Page _____	No. _____

Martin Holder, (father) ($\frac{1}{2}$) Dead
 Mary Jane Holder, (mother) Dead

Muskogee, Indian Territory, July 20, 1901.

Mr. L. D. Horton,
Attorney at Law,
Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 15th instant, in which you desire to be advised if Mrs. Margaret L. Estes has been enrolled as a citizen of either the Choctaw or Chickasaw Nation.

Replying to your inquiry you are informed that it appears from our records that at Colbert, Indian Territory, on June 15, 1900, Margaret L. Estes, twenty-eight years of age, of Durant, Indian Territory, made application to this Commission for the enrollment of herself and her five children, Albertina, Thomas F., Herman F., Katie L. and Maudie F. Estes as citizens by blood of the Chickasaw Nation. None of the names of these applicants could be found upon the tribal rolls of the Chickasaw Nation in the possession of the Commission, neither did it appear that they had ever been recognized or admitted to citizenship by the Chickasaw tribal authorities or admitted as citizens of the Chickasaw Nation by the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory, under the provisions of the act of Congress of

L. D. H.--2.

June 10, 1896. For these reasons, the applicant, Margaret L. Bates was at that time informed that the application for the enrollment of herself and family as citizens of the Chickasaw Nation was refused.

Yours truly,

Commissioner in Charge.

9-2 27

-COPY-

Washington, Indian Territory, January 21, 1902

Margaret L. Waters (Waters),

Durant, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and your minor children, Albertine, Thomas F., Freddie F., Herman F., and Katie L. Waters (Waters) as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(Signed) James Hixby

Acting Chairman.

1 inclosure
Chickasaw # 37
Registered

his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

-Copy-

Wichita, Indian Territory, January 24, 1909.

1 inclosure
Chickasaw R 37
Registered.

Messrs Manafield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Margaret L. Eaters (Eates) and her five minor children, Albetina, Thomas F., Maudie F., Herman F., and Katie L. Eaters (Eates) as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(Signed) Tams Bixby

Acting Chairman.

1 inclosure
Chickasaw R 37
Registered.

-Copy-

Muskogee, Indian Territory, January 24, 1902.

B. S. Johnson,

Attorney at Law,

Durant, Indian Territory,

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by Margaret L. Eaters (Eates) for the enrollment of herself and her minor children, Albertina, Thomas F., Maudie F., Herman F., and Nattie L. Eaters (Eates) as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(Signed) Tams Birby

Acting Chairman.

1 inclosure
Chickasaw R 87
Registered

-Copy-

Muskogee, Indian Territory, January 24, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Margaret L. Esters (Ester) and her five minor children, Albetina, Thomas F., Maudie F., Herman F. and Katie L. Esters (Esters) as citizens of the Chickasaw Nation, including the decision of the Commission, dated January 24, 1902, refusing the application for the enrollment of Margaret L., Albetina, Thomas F., Maudie F., Herman F. and Katie L. Esters (Esters) as citizens of said nation.

Respectfully,

(Signed) Tama Bixby

Acting Chairman.

1 inclosure
Chickasaw N 37

Through the commissioner
of Indian Affairs.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE LAND OWNERS.

FILED
MAR 13 1902

[Signature]
ACTING CHAIRMAN.

D? C. No. 3768-1902.

(COPY)

L. R. S.

12970

J. P.
F.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

I.T.D.1107 &
1101-1902.

February 28, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Your decision of January 24, 1902, rejecting the application for enrollment of Margaret L. , Albetina, Thomas F., Maudie F., Herman F. and Katie L . Esters (Estes), as citizens by blood of the Chickasaw Nation, case R 37, in accordance with the act of May 31, 1900 (31 Stat., 221), is hereby affirmed, as recommended by the Commissioner of Indian Affairs in letter of February 14.

Respectfully,

Thos Ryan

Acting ~~Commissioner~~
Secretary.

RMD

COPY

Muskogee, Indian Territory, March 13, 1902.

Margaret L. Esters (Estes),

Durant, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior under date of February 28, 1902, affirmed the decision of the Commission, dated January 24, 1902, denying the application made by you for the enrollment of yourself and your minor children, Albetina, Thomas F., Maudie F., Herman F. and Katie L. Esters (Estes) as citizens of the Chickasaw Nation.

Yours truly,

(SIGNED) *I. B. Needles.*

Commissioner in Charge.

Chickasaw R 37

COPY.

Muskogee, Indian Territory, March 13, 1902.

B. S. Johnson,

Attorney at Law,

Durant, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of February 28, 1902, affirmed the decision of the Commission, dated January 24, 1902, denying the application made by Margaret Esters (Esters) for the enrollment of herself and her minor children, Albetina, Thomas F., Maudie F., Norman F. and Katie L. Esters (Esters) as citizens of the Chickasaw Nation.

Yours truly,

SIGNED:

T. B. Needles.

Commissioner in Charge.

COPY

Muskogee, Indian Territory, March 13, 1902.

Messrs Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nation,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior under date of February 28, 1902, affirmed the decision of the Commission, dated January 24, 1902, denying the application made by Margaret Esters (Estes) for the enrollment of herself and her minor children, Albetine, Thomas P., Maudie P., Herman P. and Katie L. Esters (Estes) as citizens of the Chickasaw Nation.

Yours truly,

W. E. Woodlee.

Commissioner in Charge.

Chickasaw 2 27

Muskogee, Indian Territory, July 25, 1900.

T. V. Watkins,

Allen, Indian Territory

Dear Sir:

Receipt is hereby acknowledged of your letter of the 25th instant in which you desire to be informed if Mrs. T. L. Bates appears upon the tribal rolls as a citizen of the Chickasaw Nation.

Replying to your communication you are advised that from an examination of the tribal rolls of the Chickasaw Nation in our possession, we do not find that any person by the name of Mrs. T. L. Bates was ever recognized by the Chickasaw tribal authorities as a citizen of that Nation.

You are further advised that it appears from our records that on June 15, 1900, Margaret L. Bates, 36 years of age, of Durant, Indian Territory, made personal application to this Commission for the enrollment of herself and her five minor children as citizens by blood of the Chickasaw Nation. On January 26, 1901, this Commission rendered a decision refusing the application for the enrollment of these persons as citizens of the Chickasaw Nation, which decision was duly affirmed by the Secretary of the

T W W 2

Interior on March 13, 1902. Mrs. Estes was advised of the affirmation by the Secretary of the Interior of the decision of this Commission, refusing the enrollment of herself and her children as citizens of the Chickasaw Nation.

The rights of these persons having been finally determined they are in no manner entitled to the benefits of citizenship in the Chickasaw Nation nor to participate in the distribution of the tribal property of that nation.

Yours truly,

Commissioner in Charge.

9-R-37
9-R-38

Muskogee, Indian Territory, December 17, 1902.

J.R. Sutterfield,

Allen, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 5th inst., in which you ask if Margaret L. Estes and her minor children, Pete, Edward, Aslee, Ruthie, Teen, Maudie, Punch and Kattie Estes are on the Chickasaw rolls.

In reply, you are advised that it appears from our records that Margaret L. Estes and her minor children, Albetonia, Thomas F., Herman F., Katie L. and Maudie P. Estes were applicants to this Commission for enrollment as citizens of the Chickasaw Nation. On January 24, 1902, the Commission rendered its decision refusing their application; it further appears that Edward Estes, son of Margaret L. Estes, was also an applicant for enrollment as a citizen of the Chickasaw Nation, and that on January 25, 1902, the Commission rendered its decision refusing said application; and on February 28, 1902, the Secretary of the Interior approved the action of the Commission in these cases.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, February 11, 1903.

J. S. Sutterfield,

Allen, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of January 31, relative to the decision of the Commission refusing the application for the enrollment of Margaret L. Esters and her children, in which you ask for a blank affidavit for the purpose of sending additional evidence in this case.

In reply to your letter you are advised that it appears from our records that on January 24, 1902, the Commission rendered its decision refusing the application for enrollment as citizens of the Chickasaw Nation of Margaret L. Esters and her five minor children, and on February 28, 1902, the Secretary of the Interior affirmed the decision of the Commission in this case. The Commission therefore considers the case closed.

Respectfully,

Acting Chairman.

9-R-36
9-R-37

Muskogee, Indian Territory, December 16, 1908.

Webb & Ennis,

Ada, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of December 12, 1908, asking to be advised the status of the application of Marguerette Louisa Estes and her children including Ruth Watkins who are citizens by blood of the Chickasaw Nation.

In reply to your letter you are advised that on January 24, 1902, the Commission to the Five Civilized Tribes rendered a decision refusing the application for the enrollment of Margaret Louisa Estes and her children including Ruth Watkins as citizens of the Chickasaw Nation and on February 28, 1902, this action was approved by the Secretary of the Interior. This case is therefore considered closed.

Respectfully,

Commissioner.

9-R-36
9-R-37

Muskogee, Indian Territory, May 16, 1906.

Webb & Ennis,

Attorneys at Law,

Ada, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your petition on behalf of Margaret L. Estes and Ruth Watkins to have their applications for enrollment as citizens of the Chickasaw Nation reopened and the same has been transmitted to the Secretary of the Interior.

Respectfully,

Acting Commissioner.

Muskogee, Indian Territory, May 17, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

On January 24, 1902, the Commission to the Five Civilized Tribes rendered its decision refusing the application of Margaret L. Estes, for the enrollment of herself and her five minor children and Ruth Watkins her married daughter, as citizens of the Chickasaw Nation and on February 28, 1902, this action was approved by the Secretary of the Interior.

I now have the honor to transmit herewith a not on of Webb & Ennis to reopen the application for the enrollment of Margaret L. Estes et al., and Ruth Watkins et al., as citizens of the Chickasaw Nation for the consideration of the Department.

Respectfully,

Chickasaw R 34.

Acting Commissioner.

Through the Commissioner
of Indian Affairs.

G.R.

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

May 29, 1906.

D.C.22187
I.T.D.9636,-1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

You are requested to inform the Department whether there appear upon any of the Chickasaw tribal rolls in your possession the names of Martin Holder, or Mary Jane Holder or Mary Jane Harris, or Margaret L. Holder or Margaret L. Hesters.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

Through the Commissioner
of Indian Affairs.

J. W. H.

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

I. T. D. 5819-1906.
23724-1906.

June 8, 1906.

L. R. E.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Inclosed herewith is a communication filed May 24, 1906 (I.T.D. 5819), with the Department, relative to the enrollment of Mrs. Louisie Esters as a citizen by blood of the Choctaw Nation.

It is desired that you furnish a report in this matter showing whether any claim was ever asserted by her on her behalf for enrollment as a citizen of the Choctaw Nation at any time, including the year 1896, to the Commission to the Five Civilized Tribes or your office; also whether her name appears upon any of the rolls of the Choctaw Nation.

Respectfully,
(Signed)

Jesse E Wilson
Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inclosure.

60r

Muskogee, Indian Territory, August 10, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of Departmental letter of May 29, 1906 (I. T. D. 9636-1906), requesting to be advised if the names of Martin Helder, Mary Jane Helder or Mary Jane Harris and Margaret L. Helder or Margaret L. Hesters appear upon any of the Chickasaw tribal rolls in the possession of this office.

Reporting on this matter I have the honor to advise that the names of Martin Helder, Mary Jane Helder or Mary Jane Harris and Margaret L. Helder or Margaret L. Hesters are not found upon any of the Chickasaw tribal rolls in the possession of this office.

Respectfully,

SIC-ED *Fame Birby*

Commissioner.

Through the Commissioner
of Indian Affairs.

R.
1906
p. 37

9-R-37

Muskogee, Indian Territory, August 30, 1906.

G. W. Watkins,

Lehigh, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of August 18, 1906, asking the status of the application for the enrollment of M. L. Esters.

In reply you are advised that one Margaret L. Esters (Estes), child of Martin Holder and Mary Jane Holder, made application for the enrollment of herself and her children as citizens of the Chickasaw Nation, and on January 24, 1902, the Commission to the Five Civilized Tribes rendered its decision refusing her application for enrollment, and this action was approved by the Department February 28, 1902.

A motion for rehearing of this case, filed by Webb & Egan, attorneys at law, Ada, Indian Territory, May 14, 1906, was transmitted to the Secretary of the Interior May 17, 1906, and this office has not been advised of Departmental action thereon.

Respectfully,

Acting Commissioner.

9-R-37

Muskogee, Indian Territory, August 30, 1906.

Nancy C. Hampton,
Coalgate, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letters of June 6, July 21, July 23 and August 11, 1906, in the matter of the application for the enrollment of Loisie Estes, daughter of Martin Holder and Mary Jane Harris.

In reply you are advised that it does not appear from the records of this office that Loisie Estes is an applicant for enrollment as a citizen of the Choctaw nation.

It does appear, however, that one Margaret L. Esters (Estes), child of Martin Holder and Mary Jane Holder, made application for the enrollment of herself and her children as citizens of the Chickasaw Nation, and on January 24, 1902, the Commission to the Five Civilized Tribes rendered its decision refusing her application for enrollment and this action was approved by the Department February 28, 1902.

A motion for rehearing of this case, filed by Webb & Harris, attorneys at law, Ada, Indian Territory, May 14, 1906, was transmitted to the Secretary of the Interior May 17, 1906, and this

W. C. H.

(2)

office has not been advised of Departmental action thereon.

Respectfully,

Acting Commissioner.

COPY.

Muskogee, Indian Territory, August 31, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

The Department under date of June 8, 1906 (I.T.D. 5819-1906), transmitted a communication signed Louisie Esters, filed with the Department May 24, 1906, relative to her right to enrollment as a citizen by blood of the Choctaw Nation and requested that a report be furnished in the matter showing whether any claim was asserted by her or on her behalf for enrollment as a citizen of the Choctaw Nation at any time, including the year 1896, to the Commission to the Five Civilized Tribes or this office; also whether her name appears upon any of the rolls of the Choctaw Nation.

Mrs. Esters alleges that she was born in 1869 in the Choctaw Nation, Indian Territory, and that she is the daughter of one Mary Jane Harris, that her mother died when she was an infant and she was raised by one John Yeager.

It is also claimed in the communication referred to that she is a co-relative of Swinney Frasier and Davis Frasier, both of whom are full-blood Choctaw Indians and enrolled as citizens of the Choctaw Nation.

(2)

With the return of the letter referred to, I have the honor to report that it does not appear from the records of this office, that any application of any character whatsoever has been made by or on behalf of Louise Esters for citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), or for enrollment as a citizen of said nation under the Act of Congress approved June 28, 1898 (30 Stats., 495), or at any time prior to December 1, 1905.

It does appear from the records of this office that one Margaret L. Esters (Estes), the daughter of Martin Holder and Mary Jane Holder, both now deceased, made application for the enrollment of herself and her five minor children, Albertinia, Thomas F., Mandie F., Herman F. and Katie L. Esters (Estes) as citizens by blood of the Chickasaw Nation within the time prescribed by law and that on January 24, 1902, a decision was rendered by the Commission to the Five Civilized Tribes refusing said application.

The record in this case, together with the decision of said Commission, was on the same date transmitted to the Department.

The Secretary of the Interior on February 28, 1902 (I.T.D. 1107, 1101-1902), affirmed the decision of the Commission to the Five Civilized Tribes of January 24, 1902, adverse to the applicants.

(3)

This office under date of May 17, 1906, transmitted for Departmental consideration a motion of Webb & Eunis, attorneys at law, to reopen the application of Margaret L. Estes, et al., and her daughter, Ruth Watkins, et al., for enrollment as citizens of the Chickasaw Nation.

It is more than probable that the writer of the letter, Louisie Esters, is identical with the Margaret L. Esters (Estes) whose application for enrollment as a citizen of the Choctaw Nation was refused by the Commission to the Five Civilized Tribes January 24, 1902.

I have further to report that the name of Margaret L. Esters or Louisie Esters does not appear upon any of the tribal rolls of the Choctaw or Chickasaw Nation in the possession of this office nor are the names of her parents, Martin Holder and Mary Jane Helder (or Harris) found upon any of said rolls.

Respectfully,

SIGNED *Wm. C. Beall.*

Through the Commissioner
of Indian Affairs.

Acting Commissioner.

OP 31-a

9-R-37

Muskogee, Indian Territory, October 8, 1906.

Nancy Hampton,

Coalgate, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of September 28 asking if the petition for rehearing filed in the case of Margaret L. Esters (Estes) has been passed on by the Department.

In reply you are advised that this office has not been notified of departmental action on the motion for rehearing transmitted May 17, 1906, but you will be advised of such action as is taken thereon.

Respectfully,

MH

Commissioner.

COPY

Muskogee, Indian Territory, October 10, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of Departmental letter of September 18, 1906, (I.T.D. 9636-1906) asking if the records of this office show that one Martin or Mortie Holder was admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes before the year 1898, at which time it is alleged that four brothers, among whom are J. R. Holder and B. A. Holder, and his sister, Samantha Looney, were admitted.

The Department also requests to be informed if the name of Mary Jane Holder, or Mary Jane Harris, appears upon any tribal rolls of the Chickasaw Nation.

Reporting in this matter, I have the honor to advise that it does not appear from the records of this office that Martin Holder, or Mortie Holder, was admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes prior to 1898 and from the testimony of Margaret L. Estes at the time of her personal appearance before the Commission to the Five Civilized Tribes at Colbert, Indian Territory, June 15, 1900, it would appear that her father, Mortie Holder, had been dead for fourteen years.

Secretary 2

I have further to report that the name of Mary Jane Harris or Mary Jane Holder, is not found upon any tribal rolls of either the Choctaw or Chickasaw Nations in the possession of this office.

Respectfully,

SIGNED *Tams Dixby*

Commissioner.

Direct.

J. I. Jr.

DEPARTMENT OF THE INTERIOR

WASHINGTON.

LLB

I.T.D. 17972-1906.

October 19, 1906.

D. C. 46735

J.P.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On September 15, 1906 (Land 76427), the Indian Office transmitted a report of the Acting Commissioner to the Five Civilized Tribes upon a communication signed by Louisie Esters, relative to her right to enrollment as a citizen by blood of the Choctaw Nation, and requesting to be advised whether any claim was asserted by her or on her behalf for enrollment as a citizen of the Choctaw Nation at any time, including the year 1896, to the Commission to the Five Civilized Tribes or to yourself, and also whether her name appears on any of the rolls of the Choctaw Nation.

The report as submitted by you is hereby approved.

Respectfully,

Jesse E. Wilson,

Through the Commissioner
of Indian Affairs.

Assistant Secretary.

G.R.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

113

I.T.D. 1107-1902.
9636-1906.
17124- "
20632- "

October 26, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

May 17, 1906, you transmitted a motion to reopen the application of Margaret L. Esters (Estes) for the enrollment of herself and her five minor children, Albertina, Thomas F.; Maudie F., Herman F., and Katie L. Esters (Estes), as citizens by blood of the Chickasaw Nation, wherein the Department on February 28, 1902, denied said application.

Applicant avers that she was born in the Chickasaw Nation, as the issue of Martin Holder and Mary Jane Holder, nee Harris, both of whom were recognized citizens of said tribe. In the affidavits filed in support thereof, affiants aver that applicant's father, Martin Holder, was a half-breed Chickasaw Indian, and that her mother, Mary Jane Holder, was a citizen by blood of the Choctaw Nation.

Applicant in her original testimony taken June 15, 1900, stated that her father, Mertie Holder, was a half-breed Choctaw

Indian, and that her mother, "I reckon she was a white woman".

Upon request of the Department you reported on October 10, 1906, that the name of Martin or Mortie Holder does not appear upon the rolls of the Chickasaw Nation, and that the name of Mary Jane Holder or Mary Jane Harris is not found upon the tribal rolls of either the Choctaw or Chickasaw Nation, and as the name of applicant does not appear upon any of the tribal rolls of the Chickasaw Nation, she is not entitled to enrollment.

Said Motion for a reopening is hereby denied.

The original record, with papers filed on motion for reopening, have this day been returned for the files of the Indian Office.

Respectfully,

(Signed) E. A. Hitchcock.

Secretary.

Through the Commissioner
of Indian Affairs.

6 inc. to Ind. Of.

9-R-37

Muskogee, Indian Territory, November 14, 1906.

Margarot L. Esters (Ester),

Durant, Indian Territory.

Dear Madam:

You are hereby advised that on October 26, 1906, the Secretary of the Interior denied the motion for a reopening of the application for the enrollment of yourself, and your minor children, Albetina, Thomas F., Waudie F., Herman F. and Katie L. Esters (Ester) as citizens of the Chickasaw Nation.

Respectfully,

Commissioner.

9-R-37

Muskogee, Indian Territory, November 14, 1906.

Webb & Ennis,

Attorneys at Law,

Ada, Indian Territory,

Gentlemen:

You are hereby advised that on October 26, 1906, the Secretary of the Interior denied the motion for a reopening of the application for the enrollment of Margaret L. Esters (Estes), and her five minor children, Albetina, Thomas F., Maudie F., Herman F. and Katie L. Esters (Estes), as citizens of the Chickasaw Nation.

For your information there is inclosed herewith a copy of Departmental letter of October 26, 1906, above referred to.

Respectfully,

LM 3/14

Commissioner.

9-R-37

Muskogee, Indian Territory, November 14, 1906.

B. S. Johnson,
Attorney at Law,
Durant, Indian Territory.

Dear Sir:

You are hereby advised that on October 26, 1906, the Secretary of the Interior denied the motion for a reopening of the application for the enrollment of Margaret L. Esters (Estes), and her five minor children, Albetina, Thomas F., Maudie F., Herman F. and Katie L. Esters (Estes) as citizens of the Chickasaw Nation.

Respectfully,

Commissioner.

9-R-37

Muskogee, Indian Territory, November 14, 1906.

Nancy Hampton,

Coalgate, Indian Territory,

Dear Madam:

You are hereby advised that on October 26, 1906, the Secretary of the Interior denied the motion for a reopening of the application for the enrollment of Margaret L. Esters (Estes), and for the enrollment of her five minor children, Albetina, Thomas F. Maudie F., Herman F. and Katie L. Esters (Estes), as citizens of the Chickasaw Nation.

Respectfully,

Commissioner.

9-R-37

Muskogee, Indian Territory, November 14, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby advised that on October 26, 1906, the Secretary of the Interior denied the motion for a reopening of the application for the enrollment of Margaret L. Esters (Estes), and her five minor children, Albetina, Thomas F., Maudie F., Herman F. and Katie L. Esters (Estes), as citizens of the Chickasaw Nation.

For your information there is inclosed herewith a copy of Departmental letter of October 26, 1906, above referred to.

Respectfully,

LM 4/14

Commissioner.

Chic.R-38

Chic.R-38

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I. T., June 15, 1900.

In the matter of the application of Ed Bates for enrollment as a Chickasaw Indian by blood; being sworn and examined by Acting Chairman Bixby he testifies as follows:

Q What is your name? A Ed Estes.
Q What is your age? A Seventeen.
Q What is your post-office address? A Hope, I. T.
Q How long have you lived at Hope? A About a year.
Q When did you come first to the Territory? A I have been in
the Territory all my life, right around off and on in the Territory,
never was out over six months at the least.
Q Where did you live before you lived at Hope? A I lived at
Fox.
Q How long did you live there? A About a year.
Q Have you been residing outside of the Territory during the past
two years? A No sir.
Q What is the name of your father? A W.M. Estes.
Q Is he living? A Yes sir.
Q Is he a Chickasaw Indian? A No sir.
Q White man? A Yes sir.
Q What is the name of your mother? A Margaret L. ~~Knox~~ Estes.
(This woman gave her name in as Esters.--Stenog.)
Q Is she living? A Yes sir.
Q Is she a Chickasaw Indian? A Yes sir.
Q What proportion of Chickasaw blood does she claim to have?
A One-fourth.
Q Has her name ever been on the Chickasaw rolls? A No sir.
Q Has she ever ~~xx~~ been recognized by the Chickasaw authorities as
a Chickasaw Indian by blood? A No sir.
Q What proportion of Chickasaw blood do you claim to have?
A One-eighth.
Q Has your name ever been on the Chickasaw rolls? A No sir.
Q Have you ever been recognized by the Tribal authorities as a
Chickasaw Indian? A No sir.
Q Have you ever applied to the Tribal authorities for enrollment
as a Chickasaw Indian? A No sir.
Q You applied to the Daves Commission in 1896? A ~~No~~ sir.
~~xx xx xx~~
Q Is this your first application? A Yes sir.
Q Are you married? A Yes sir.
Q Do you claim any rights for your wife? A No sir.
Q Have you got any children? A No sir.
Q Is there any additional statement in regard to your case that
you would like to make? A No sir.
Q Have you got any papers that you would like to file with the
Commission? A

and marked Exhibit "A" and placed on file.

Examined by Attorney Horton:

Q State whether or not you are a son of Margaret Louisa Bates, who is also applying for citizenship? A Yes sir.

Margaret Louise Bates being sworn by Acting Chairman Nixey and examined by Attorney Horton, states:

Q State your name? A Margaret Louise Rutes.
Q ~~State~~ State if that young man there is your son? (Referring to applicant on stand.) A Yes sir.
Q State whether or not he has any relatives who are enrolled ~~in the~~ ^{in the} ~~army~~ ^{army} ~~by blood~~ ^{by blood}, and if so who are they? A Yes sir, Jack Holder, Bert Holder, and there are several of the Holders that are enrolled

Ed Bates #2 Margaret E. Bates Witness, #2.

that I don't know, Samantha Leachy for another, an aunt of mine.

Examined by Act'g Chairman Bixby:

Q How did this Helder family become members of the Chickasaw Tribe? A I couldn't tell you.

Q Do you know whether or not they were admitted to citizenship in the Chickasaw Nation by the judgment of the United States Court? A They went before the Dawes Commission at Ardmore.

Q Were they ever put on the rolls by the Tribal authorities, or were they recognized as Chickasaw Indians by reason of a judgment of the United States Court? A I couldn't tell you that.

Q Is John P. Helder one of them? A Yes sir.

Q Who is Rosebud Helder and John Pearl Helder? part of that family? A I reckon it must be, but I don't know them.

Q There are a good many of them? A Yes sir. There are several of them.

Re: Records examined, and it is found that the Helder family, John P. Helder and ninety-seven other people applied to the Commission to the Five Civilized Tribes in 1896, application denied by the Commission, and an appeal was taken to the United States Court, and the judgment of the Commission reversed.

Your enrollment as a Chickasaw Indian by blood is refused, for the reason that your name does not appear upon the Tribal rolls of the Chickasaw Nation now in the possession of this Commission, and for the further reason that it appears from the testimony that you have never been recognized by the lawfully constituted tribal authorities of the Chickasaw Nation as citizen by blood of said Nation, and you were not admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes acting under the law of June 10th, 1896, or by a judgment of the United States Court in the Indian Territory.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case, and that the above and foregoing is a full, true and complete transcript of his stenographic notes taken in said case.

Subscribed and sworn to before me this 30 day of June 1900.

As Act'g Chairman.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Ed Estes for enrollment as a citizen by blood of the Chickasaw Nation.

D E C I S I O N .

It appears from the record in this case that on June 15, 1900, the applicant, Ed Estes, appeared before the Commission at Colbert, Indian Territory, and made application for enrollment as a citizen by blood of the Chickasaw Nation.

It appears from the evidence offered in support of said application and examination of the tribal rolls of the Chickasaw Nation in the possession of the Commission that the applicant above named has never been enrolled as a citizen of the Chickasaw Nation and that his name does not appear upon the tribal rolls of the Chickasaw Nation.

It further appears from an examination of the records in the possession of the Commission that this applicant has never been admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes, or the legally constituted authorities of the said Nation or the United States Court in Indian Territory on appeal in accordance with the act of Congress of June 10, 1896, (29 Stats., 321).

The act of congress of June 28, 1898, (30 Stats., 495) , provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have

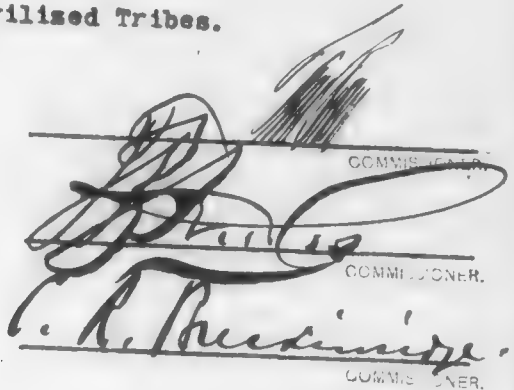
been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Cheataw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 221), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is therefore the opinion of this Commission that Ed Estes is not lawfully entitled to be enrolled as a member of the Chickasaw Tribe of Indians in Indian Territory and that his application as such should be refused and it is so ordered.

The Commission to the Five Civilized Tribes.


COMMISSIONER.
C. R. Buckinridge
COMMISSIONER.

Dated at Muskogee, Indian Territory,
this JAN 25 1902

COPY

In the matter of the application of Edward Estes for enrollment
To the honorable commission to the five civilized tribes;

Edward Estes states that he is 17 years old and has
resided in the choctaw and chickasaw nations all his life. That on
the 24 day of Sept. 1899 he was lawfully married to Gertrude Woods;
That he is the son of Margarette Louisa Estes and her husband W. H.
Estes; That ~~Margarette~~ Margarette Louisa Estes is the daughter of
Martin Holder and his wife Mary Jane Holder. That Martin Holder was
a chickasaw indian by blood and the brother of Jack Holder, Ben
Holder, John Holder deceased and Samantha Looney all of whom are
chickasaw indians by blood and enrolled by the commission to the
five civilized tribes.

Applicant says that he is a chickasaw indian by blood and
that under the laws, usages and customs of the chickasaw nation or
tribe of indians, and the united states and the treaties entered into
between the united states and the chickasaw tribe of indians, he is
entitled to be enrolled and recieve all the rights and privileges
of a chickasaw indian/

He therefore prays that he be enrolled and for all proper
orderd and relief.

Applicants post office,
Durant, I. T.

Johnson & Horton, Pool & Howe
Attorneys.

Central District, Indian Territory,

I, Edward Estes state on oath that the facts set forth in the
foregoing application are true to the best of my knowledge and belief
(Signed) Edward Estes his X mark.

Witness L. D. Horton.

Subscribed and sworn to before me this the 9th day of June 1900.
L.D.Horton Notary Public.

Endorsed: "Filed Jun 15 1900 COMMISSION TO FIVE TRIBES."

MEMORANDA.

MEMORANDUM

Name Ed Estes. (17) (Date) June 15, 1900
Hope, S. J.
Chapter ? County Year No.

Chootaw ? _____ County _____ Year _____ No. _____

Chickasaw Yes County _____ Year _____ Page _____

Citizen by blood? Yes / 1 Mother's citizenship Chic / 1

Intermarried citizen? JUNE 24, 1964, 181

Married under what law? _____

License filed this day,

Wife's name, _____

[illegible]

Chickasaw ? **County** **Year** **Page**

Citizen by blood? **Mother's citizenship**

Intermarried citizen? 3

Married under what law?

License filed this day

Names of children :

County..... Year..... Page..... No.....

County	Year	Page	No.
--------	------	------	-----

County _____ Year _____ Page _____ No. _____

County	Year	Page	No.

County	Year	Page	No.

County _____ Year _____ Page _____ No. _____

County _____ Year _____ Page _____ No. _____

County _____ Year _____ Page _____ No. _____

County _____ Year _____ Page _____ No. _____

County _____ Year _____ Page _____ No. _____

W. H. Esters (father)
Margaret L. Esters (mother)

COMMISSIONERS
HENRY L. DAWES
TAMM BIRBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 24, 1902.

Ed Estes,

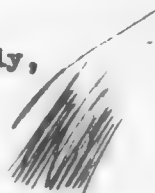
Hope, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for enrollment as a citizen of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Acting Chairman.

1 enclosure.
Chickasaw R 38
Registered.

GOVT

Muskogee, Indian Territory, January 23, 1902.

Messrs Mansfield, Mather & Cornish,
 Attorneys for the Choctaw and Chickasaw Nations,
 South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the Application for the enrollment of Ed Estes as a citizen of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Thos Bixby

Acting Chairman.

1 enclosure.
Chickasaw R. 20
Registered.

887

Managoo, Indian Territory, January 23, 1902.

Chester Howe,

623 F Street,

Washington, D. C.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of M. Estes for enrollment as a citizen of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Sam R. R. R.

Acting Chairman.

1 enclosure.
Chester H. H.
Registered.

COPY

Muskogee, Indian Territory, January 25, 1902.

J. O. Pool,
Attorney at Law,
Yocoma, Texas.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Ed Bates as a citizen of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Tamr Sixtyoting Chairman.

1 enclosure.
Chickasaw R 38
Registered.

COPY

Wichita, Indian Territory, January 25, 1908.

Johnson & Norton,

Attorneys at Law,

Durant, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Ed Bates as a citizen of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Edna Rindy

Acting Chairman.

1 enclosure.
Wichita, Indian Territory
Registered.

COPY

Muskogee, Indian Territory, January 23, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Ed Estes for enrollment as a citizen of the Chickasaw Nation, including the decision of the Commission, dated January 23, 1902, refusing the application for the enrollment of Ed Estes as a citizen of said nation.

Respectfully,

Sam Bixby

Acting Chairman.

1 enclosure.
Chickasaw R 23

Through the Commissioner
of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 18 1902

ACTING CHAIRMAN

WASHINGTON, MARCH 25, 1902.

DEAR MR. TOLSON:

Yours of the 17th inst. is received.

Very truly,
S. D. P.

Copy

12970

L. R. S.

J. P.
F.

DEPARTMENT OF THE INTERIOR

WASHINGTON. February 28, 1902.

I. T. D. 1112 &
1101-1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Your decision of January 25, 1902, rejecting the application for enrollment of Ed Estes as a citizen by blood of the Chickasaw Nation, case R 38, in accordance with the act of May 31, 1900 (31 Stat., 221), is hereby affirmed, as recommended by the Commissioner of Indian Affairs in letter of February 14.

Respectfully,

Thos Ryan

Acting Secretary.
EMD

COPY.

Chickasaw R 20

Muskogee, Indian Territory, March 13, 1902.

Johnson & Horton,

Attorneys at Law,

Durant, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of February 28, 1902, affirmed the decision of the Commission, dated January 26, 1902, denying the application made by Ed Bates for the enrollment of himself as a citizen of the Chickasaw Nation.

Yours truly,

(SIGNED) *I. B. Needles.*

Commissioner in Charge.

COPY.

Waskiegee, Indian Territory, March 13, 1902.

J. O. Pool,

Attorney at Law,

Waco, Texas.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of February 28, 1902, affirmed the decision of the Commission, dated January 25, 1902, denying the application made by Ed Bates for the enrollment of himself as a citizen of the Chickasaw Nation.

Yours truly,

(SIGNED).

T. L. Woodies.

Commissioner in Charge.

COPY.

Chickasaw R 38

Muskogee, Indian Territory, March 13, 1902.

Chester Howe,

523 F Street,

Washington, D. C.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of February 28, 1902, affirmed the decision of the Commission, dated January 25, 1902, denying the application made by Ed Bates for the enrollment of himself as a citizen of the Chickasaw Nation.

Yours truly,

(SIGNED).

T. D. Needles.

Commissioner in Charge.

COPY.

Chickasaw R 28

Muskogee, Indian Territory, March 13, 1902.

Messrs Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of February 28, 1902, affirmed the decision of the Commission, dated January 26, 1902, denying the application made by Ed Bates for the enrollment of himself as a citizen of the Chickasaw Nation.

Yours truly,

I. B. Neelands.

(SIGNED)

Commissioner in Charge.

COPY.

Chickasaw R 36

Muskogee, Indian Territory, March 13, 1902.

Ed Eaton,

Hepe, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of February 26, 1902, affirmed the decision of the Commission, dated January 25, 1902, denying the application made by you for your enrollment as a citizen of the Chickasaw Nation.

Yours truly,

(SIGNED).

T. E. Needles.

Commissioner in Charge.

-9-R-38-

Muskogee, Indian Territory, September 24, 1902.

Postmaster,

Hope, Indian Territory.

Dear Sir:-

On January 29, 1902, there was forwarded from this office, by registered mail, a letter addressed to Ed Estes, Hope, Indian Territory, for which no delivery receipt has yet been received. If this letter has been delivered, please advise date of such delivery; if on hand unclaimed, please return same to this office.

Respectfully,

Acting Chairman.

9-R-37
9-R-38

Muskogee, Indian Territory, December 17, 1902.

J.R. Sutterfield,

Allen, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 5th inst., in which you ask if Margaret L. Estes and her minor children, Pete, Edward, Aslee, Ruthie, Teen, Maudie, Punch and Kattie Estes are on the Chickasaw rolls.

In reply, you are advised that it appears from our records that Margaret L. Estes and her minor children, Albetenia, Thomas F., Herman F., Katie L. and Maudie F. Estes were applicants to this Commission for enrollment as citizens of the Chickasaw Nation. On January 24, 1902, the Commission rendered its decision refusing their application; it further appears that Edward Estes, son of Margaret L. Estes, was also an applicant for enrollment as a citizen of the Chickasaw Nation, and that on January 25, 1902, the Commission rendered its decision refusing said application; and on February 28, 1902, the Secretary of the Interior approved the action of the Commission in these cases.

Respectfully,

Acting Chairman.

Chickasaw R 38.

Muskogee, Indian Territory, January 31, 1903.

George W. Boen,

Hope, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of January 5, 1903, in which you state that you find that registered letter from this Commission to one Ed Bates had not been returned, and that you have returned under cover of registered envelope.

You are advised that the registered letter above referred to has not yet been received by this Commission. Kindly again look into the matter and return the registered letter to this Commission.

Respectfully,

Return to Commission
Five Civilized Tribes
Muskogee

9-R-138



Ed Estes,

Hope,

Indian Territory.

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300..

Chick

Chic.R-39

Chic.R-39

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I. T., June 16, 1900.

In the matter of the application for the enrollment of Thomas M. Trout et al as Chickasaws; Mary Jane Trout being sworn and examined by Acting Chairman Dixey testifies as follows:

- Q What is your name? A Mary Jane Trout.
Q What is your age? A Thirty.
Q What is your present office a dress? A Blk. I. T.
Q For whose enrollment do you apply now? A I am here to try to get my children on.
Q Who are they? A I ain't got no education, I can tell how old they are but I can't count up the date. (Hands paper with list of children and their ages to Acting Chairman Dixey.)
Thomas Norman Trout, born March 6th, 1888; Benjamin Westmoreland Trout, born April 26th, 1889; Robert E. Lee Trout, born July 9th, 1891; Harry Cleveland Trout, born March 3rd, 1893; Bessie Elizabeth Trout, born December 20th, 1894.
Q Who is the father of these children? A Ransom Trout.
Q Is he your husband? A Yes sir.
Q You are the mother? A Yes sir.
Q Your name is Mary Jane Trout? A Yes sir.
Q Were you admitted as a citizen by blood? A Chickasaw citizen by blood.
Q Thomas Benjamin, Robert, Harry and Bessie were living at the time of your application to the Commission to the Five Civilized Tribes were they not? A Yes sir.
Q Their names were not included in the original application to the Commission were they? A No sir.
Q You were admitted to citizenship in the Chickasaw Nation under a judgment of the United States Court in the case entitled Daniel McDuffy versus the Chickasaw Nation, were you not? A Yes sir.
Q Have these children ever been enrolled by the Tribal authorities of the Chickasaw Nation? A No sir.
Q Did you ever apply to the Tribal authorities for their enrollment? A Yes sir, we sent certificates, but they said they wouldn't take them, to bring the children before them.
Q They have never been enrolled by the Tribal authorities? A No sir.
Q Never have been recognized by the Tribal authorities as Chickasaw Indians by blood? A No sir.
Q You never made application to the Commission to the Five Civilized Tribes for their enrollment? A No sir.
Q And their names have never been presented to the United States Court on appeal from the decision of the Tribal authorities or the Commission to the Five Civilized Tribes? A No sir.
Examined by Attorney Mullen:
Q How much Chickasaw blood are you? A I couldn't tell you the size will know that, I didn't know much about it.
Q About how much do you think you are? A I think I ought to be as much as one-eighth anyway.
Q How much is these children, these five children, these that's not enrolled? A I couldn't tell, unless I could count it up.
Q ~~That's correct~~ Your husband is white and you are about one-eighth? A Yes sir.
Q And they would be then about how much, about one-sixteenth? A Yes sir, I guess so.
Q Now they got their Chickasaw blood from you? A Yes sir.
Q Who did you get it from? A My mother.
Q Where were these children born? A Two of them was born in Texas and the rest of them was born in the Nation.
Q How long have you been living in the Nation continuously? A Eleven years.
Q Where is your marriage certificate? A It is at Gainesville, I was married in Texas.

Thomas W. Trout et al
Mary Jane Trout, witness #2

Q Why wasn't their names put upon the original application? A My mother made out the application, and through neglect and unthoughted she left the childrens' names off.
Q That is the reason you come before the Commission now? A Yes sir, that is the reason we are here.
Q These children are living with you? A Yes sir, they are out there in the wagon & every one of them.
Q Your mother, she is on the roll is she? A Yes sir, and my father and two sisters.

Examined by Acting Chairman Bixby:

Q Your father and your two sisters were granted citizenship by the United States Court were they not? A Yes sir.
Q They never had been recognized by the Tribal authorities as Indians, at least until the United States Court made them Indians? A They went before the Commission once, and they refused them, and then they come to Ardmore and they enrolled them.
Q I am talking not about this Commission but by the officials of the Chickasaw tribe? A No sir, they never was on that roll.

The enrollment of your children as Chickasaw Indians by blood is refused, for the reason that their names do not appear upon the Tribal rolls of the Chickasaw Nation now in the possession of this Commission, and for the additional reason that it appears from the testimony in this case, and the records, that these children have never been recognized by the lawfully constituted ~~tribal~~ tribal authorities of the Chickasaw Nation as Chickasaw Indians by blood, and they were not admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes acting under the law of June 10th, 1896, or by a judgment of the United States Court in the Indian Territory.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case, and that the above and foregoing is a full, true and complete transcript of his stenographic notes taken in said case.

Subscribed and sworn to before me this 24 day of June 1900


Acting Chairman.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Thomas Herman Trout, Benjamin Westmoreland Trout, Robert M. Lee Trout, Harry Cleveland Trout, and Bessie Elizabeth Trout, as citizens by blood of the Chickasaw Nation.

D E C I S I O N .

It appears from the record in this case that on June 16, 1900, Mary Jane Trout appeared before the Commission at Colbert, Indian Territory, and made application for the enrollment of her five minor children, Thomas Herman Trout, Benjamin Westmoreland Trout, Robert M. Lee Trout, Harry Cleveland Trout and Bessie Elizabeth Trout, as citizens by blood of the Chickasaw Nation.

It appears from the evidence offered in support of said application and examination of the tribal rolls of the Chickasaw Nation in the possession of the Commission that the applicants above named have never been enrolled as citizens of the Chickasaw Nation and that their names do not appear upon the tribal rolls of the Chickasaw Nation.

It further appears from an examination of the records in the possession of the Commission that these applicants have never been admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes, or the legally constituted authorities of the said Nation or the United States Court in Indian Territory on appeal in accordance with the act of Congress of June 18, 1900, (30 Stat., 321).

It further appears from an examination of the records in the possession of the Commission that application was made to the Commission to the Five Civilized Tribes in 1898 for Mary Jane Trout, the mother of these applicants, for citizenship in the Chickasaw Nation, under the act of Congress of June 18, 1898, and the said Mary

Trout was by the Commission denied citizenship in the Chickasaw Nation in Chickasaw case Number 54, and that appeal was taken to the United States Court for the Southern District of the Indian Territory within the time prescribed by the act of Congress of June 10, 1896, (29 Stats., 321), and the decision of the Commission was reversed and Mary Jane Trout was admitted to citizenship in the Chickasaw Nation by the United States Court for the Southern District of the Indian Territory in Court case Number 4. The above named applicants, the children of Mary Jane Trout, were living at that time, and their names were not included in the application to this Commission in 1896, nor in the judgment of the court admitting the said Mary Jane Trout to citizenship in the Chickasaw Nation.

The act of Congress of June 28, 1898, (30 Stats., 495), provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

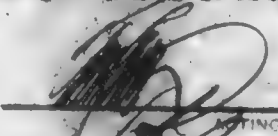
The act of Congress of May 31, 1900, (31 Stats., 221), provides:


"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

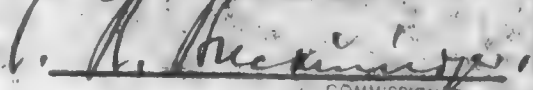
It is therefore the opinion of this Commission that Benjamin Westmoreland Trout, Robert E. Lee Trout, Thomas Herman Trout, Harry Cleveland Trout and Bessie Elizabeth Trout, are not lawfully entitled to be enrolled as members of the Chickasaw Tribe of Indians.

in Indian Territory and that their application as such should be refused and it is so ordered.

The Commission to the Five Civilized Tribes.



ACTING CHAIRMAN


COMMISSIONER


COMMISSIONER

Dated at Muskogee, Indian Territory,
this FEB -3 1902

C -86
C-40
C-82
C-75
C-76
C-80
C-85
C-87
C-74
C-83
9-C-65
9-C-18
9-C-20
9-C-22
9-C-19
9-C-21
9-R-39
Memo-21
25-342.

(COPY)

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Nancy McCarley, et al., as citizens of the Chickasaw Nation.

D E C I S I O N .

It appears from the record herein and from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes at Ardmore, Indian Territory, September 22, 1898, by Nancy McCarley for the enrollment of herself and her children, James McCarley, Eli McCarley, Mason McCarley, Sarah McCarley, Walter McCarley, Effie McCarley, Mary McCarley, Ernest McCarley and Nancy McCarley, as citizens of the Chickasaw Nation, and for the enrollment of her husband, M. W. McCarley, as a citizen by intermarriage of said nation; that on September 17, 1901, written application was filed for the enrollment of Herman Allen McCarley, minor son of Eli McCarley and Lucy McCarley, as a citizen of the Chickasaw Nation; that on December 3, 1901, written application was filed for the enrollment of Elma Myrtle McCarley, minor daughter of Walter McCarley and Eva McCarley, as a citizen of the Chickasaw Nation; that application was made to the Commission to the Five Civilized Tribes at Ardmore, Indian Territory, September 22, 1898, by Amanda Jarvis for the enrollment of herself as a citizen of the Chickasaw Nation and for the enrollment of George Jarvis, her husband, as a citizen by intermarriage of said nation; that on the same date application was made to the Commission to the Five Civilized Tribes by R. W. Trent for the enrollment of Mary Jane Trent as a citizen of the Chickasaw Nation; that subsequent thereto written application was filed for the enrollment of Jennie Anne Trent, minor child of Mary Jane Trent and R. W. Trent, as a citizen of the Chickasaw Nation; that on June 26, 1900, October 25, 1900, and May 3, 1902, respectively, written applications were filed for the enrollment of Cynthia May Trent, Stella Lillis Trent and George Orville Trent, minor children of R. W. Trent and Mary Jane Trent, as citizens of the Chickasaw Nation; that application was made to the Commission to the Five Civilized Tribes at Ardmore, Indian Territory, September 22, 1898, by Sidney McCarley for the enrollment of himself as a

citizen of the Chickasaw Nation; that on December 13, 1899, written application was filed for the enrollment of Cassie E. McCarley, and on August 17, 1901, written application was filed for the enrollment of HESSIE VIOLA McCarley, minor children of Sidney McCarley and Mattie McCarley, as citizens of the Chickasaw Nation; that application was made to the Commission to the Five Civilized Tribes at Ardmore, Indian Territory, September 22, 1898, by Sarah Ann Short, nee Jarvis, for the enrollment of herself as a citizen of the Chickasaw Nation; that application was made to the Commission to the Five Civilized Tribes at Ardmore, Indian Territory, September 22, 1898, by Nancy Newberry for the enrollment of herself as a citizen of the Chickasaw Nation; that application was made to the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, August 13, 1901, by Nancy Newberry for the enrollment of her minor children, Sallie May Newberry and Effie Myrtle Newberry, as citizens of the Chickasaw Nation; and that on June 16, 1900, application was made to the Commission to the Five Civilized Tribes for the enrollment of Benjamin Westmoreland Trout, Thomas Norman Trout, Robert E. Lee Trout, Harry Cleveland Trout and Bessie Elizabeth Trout, minor children of Ransom Trout and Mary Jane Trout, as citizens of the Chickasaw Nation.

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes on September 9, 1896, for the admission of the following applicants as citizens of the Chickasaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321): Mary Bray (as Mary McCarley), Amanda Jarvis (as Manda Jarvis), George Jarvis (as George Jarvis), Sarah Ann Short (as Sarah Ann Jarvis), Mary Jane Trout (as Mary Jane Jarvis), Nancy Newberry (as Nancy Jarvis), M. W. McCarley (as W. M. McCarley), Nancy McCarley, James McCarley, Eli McCarley, Sidney McCarley, Macom McCarley, Sarah McCarley, Walter McCarley, Effie McCarley, Ernest McCarley (as Earnest McCarley), and Nancy McCarley, in 1896 Chickasaw Citizenship case No. 106, said applicants, with the exception of George Jarvis and M. W. McCarley, claiming right to admission as citizens by blood of the Chickasaw Nation, said George Jarvis and M. W. McCarley claiming a right to admission as citizens by intermarriage of said nation. Said application was denied by the Commission to the Five Civilized Tribes on November 10, 1896.

From this decision appeal was taken to the United States Court for the Southern District of Indian Territory, which Court on March 14, 1898, reversed the decision of the Commission and admitted said applicants to citizenship in the Chickasaw Nation.

Said judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw-Chickasaw Citizenship Court of December 17, 1902, in the test case of "Choctaw and Chickasaw Nation or Tribes vs. J. T. Riddle, et al."

Said cause was subsequently certified to the Choctaw-Chickasaw Citizenship Court created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), for a trial de novo, and on June 29, 1904, in the case entitled "Daniel McDuffie, et al., vs. Choctaw and Chickasaw Nations (Choctaw-Chickasaw Citizenship Court case No. 77, Tishomingo Docket), said

Citizenship Court rendered a judgment therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs Amanda Jarvis, Nancy Jarvis or Nancey Jarvis, Eli McCarley, Sarah McCarley, Mary McCarley..... Sarah Ann Jarvis, Nancey McCarley or Nancy McCarley, Sidney McCarley, Walter McCarley, Earnest McCarley..... Mary Jane Jarvis, James McCarley, Mason McCarley, Effie McCarley, Nancey McCarley or Nancy McCarley..... M. W. McCarley and George Jarvis be denied, and that they be declared not citizens of the Chickasaw Nation and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom."

On October 25, 1904, the Commission to the Five Civilized Tribes issued orders dismissing the applications for the enrollment of Jennie A. Trout, Cynthia May Trout, Stella Lillis Trout, George Orville Trout, Cassie E. McCarley, Hessie Viola McCarley, Herman Allen McCarley and Elma Myrtle McCarley as citizens of the Chickasaw Nation for the reason that the Choctaw-Chickasaw Citizenship Court had adversely determined the right to citizenship of the persons through whom said applicants claimed the right to enrollment.

On December 18, 1901, the Commission to the Five Civilized Tribes refused the application for the enrollment of Sallie May Newberry and Effie Myrtle Newberry as citizens of the Chickasaw Nation under the provisions of the Act of Congress approved May 31, 1900 (31 Stats., 221), and on January 11, 1902, this action of the Commission was affirmed by the Department.

On February 3, 1902, the Commission to the Five Civilized Tribes refused the application for the enrollment of Benjamin Westmoreland Trout, Thomas Norman Trout, Robert E. Lee Trout, Harry Cleveland Trout and Hessie Elizabeth Trout as citizens of the Chickasaw Nation, and on March 3, 1902 (I. C. D. 1172-1902), the same was affirmed by the Department.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there were filed on February 6, 1906, February 14, 1906 and February 20, 1906, by Cruce, Cruce & Bleakmore, attorneys for the petitioners, petitions praying for the enrollment of Mary Bray, nee McCarley, Otto Mitchell Bray, Amanda Jarvis George Jarvis, Mitchell Wilburn McCarley, Nancy McCarley, Earnest McCarley, Sarah Ann Short, nee Jarvis, Sarah Stout, nee McCarley, Effie McCarley, Nancy Newberry, Sallie May Newberry, Effie Myrtle Newberry, Walter McCarley, Elmer McCarley, Mary Jane Trout, nee Jarvis, Cynthia May Trout, Jennie Ann Trout, Stella Lillis Trout, George Arville Trout, Sidney E. McCarley and Viola McCarley, as citizens of the Chickasaw Nation.

The petitioners, Mary Bray, nee McCarley, Mitchell Wilburn McCarley, Nancy McCarley, Sarah Stout, nee McCarley, Walter McCarley, Earnest McCarley, Sidney E. McCarley, Viola McCarley, Amanda Jarvis George Jarvis, Nancy Newberry, Sarah Ann Short, nee

Jarvis, Mary Jane Trout, nee Jarvis, Jennie Ann Trout, Stella Willis Trout, Cynthia May Trout, George Arville Trout, Elmer McCarley, Effie McCarley, Sallie May Newberry, and Effie Myrtle Newberry are identical with the persons for whose enrollment as citizens of the Chickasaw Nation applications were made to the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495). This office has no record of any application ever having been made for the enrollment of the petitioner, Otto Mitchell Ray (born June 17, 1903), prior to the filing of the petition herein.

Applications were filed for the enrollment of the following applicants as citizens of the Chickasaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137): June 13, 1906, Gracy Ella Trout (born August 4, 1904; July 25, 1906, Jennie Ann Trout (born October 15, 1894), Cynthia May Trout (born January 2, 1897), Stella Willis Trout (born September 14, 1900), George Orville Trout (born April 4, 1902), Robert L. Lee Trout (born July 9, 1891), Benjamin Westmoreland Trout (born April 26, 1889), Bessie Elizabeth Trout (born December 20, 1894), and Harry Cleveland Trout (born March 3, 1894), minor children of Mary Jane Trout and R. W. Trout. All of said applicants, with the exception of Gracy Ella Trout, are identical with the applicants for whose enrollment as citizens of the Chickasaw Nation application has heretofore been made under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495).

It is alleged in the petitions filed February 6, 1906, February 14, 1906, and February 20, 1906, that the petitioners, Mary Gray, Sidney K. McCarley, Mitchell Wilburn McCarley, Nancy McCarley, Earnest McCarley, Amanda Jarvis, Walter McCarley, Effie McCarley, Nancy Newberry, Mary Jane Trout, Sarah Stout, nee McCarley, and Sarah Ann Short, nee Jarvis, were admitted to citizenship in the Chickasaw Nation by the Chickasaw Court of Claims in the year 1895.

The names of none of the applicants appear upon any of the tribal rolls of the Chickasaw Nation in the possession of the Commissioner to the Five Civilized Tribes.

The record herein contains a certified copy of a decree of the Chickasaw Court of Claims dated February 15, 1895, admitting certain of the applicants herein to citizenship in the Chickasaw Nation. Said Court of Claims was established by an act of the Chickasaw Legislature approved December 22, 1894, entitled "An Act to establish a Court of Claims." Section Seven of said Act provides as follows:

"Be it further enacted, That the Chairman of said Court shall make a complete transcript copy of the proceedings of said Court in all cases to be submitted to the Legislature for their approval or rejection, and their decision shall be final."

The record herein not only fails to show that a copy of the proceedings of said Court of Claims admitting certain of the applicants to citizenship in the Chickasaw Nation was ever submitted to the Legislature for the approval of that body in conformity with said Section Seven, but the Chickasaw laws contain an Act approved October 28, 1895, as follows:

"Whereas, During the February and August sessions of the late Citizenship Committee of the Chickasaw Nation of 1895 said Committee did without any authority of law issue and give out certificates of citizenship to May Anne Hyrd and family, Devans Mill and family, U. S. Jones and family, Mattie Chapman and family, J. H. Lee and family, W. M. McCarty and family, Daniel McDuffey and family, and Mrs. Amanda Jarvis and family; and Whereas, said Committee was not authorized or empowered by any law of the Chickasaw Nation to issue and give out such certificates to any person or persons whatsoever, but the Law creating said committee and giving it power to hear the evidence adduced in such citizenship cases, required that said committee at the adjournment of the August session should send up to the Legislature of the Chickasaw Nation which was to convene on the first Monday in September, 1895, a complete report of the proceedings of said Committee, which should be subject to the approval or rejection of the Legislature before the same should have any legal force; and Whereas, the said Legislature did reject all claimants allowed by said Committee, and therefore the certificates now held by the above named parties and their families are worthless from the beginning and of no legal effect, therefore,

Sec. 1. Be it enacted by the Legislature of the Chickasaw Nation, That the certificates of citizenship now held by the above named parties and their families, they being United States citizens, be, and the same are held and declared null and void, and of no legal effect as against the Chickasaw Nation, they having been issued unlawfully, and said parties for whose benefit the same was issued are hereby declared to be not citizens of this Nation, and are not entitled to any right in the Chickasaw Nation as citizens thereof, and said certificates are hereby declared not entitled to any credit or legal force in this Nation; and this Act take effect from and after its passage.

Amended in the Senate by inserting the names of J. W. Crawford and his wife, Mrs. J. J. Carawford. See House Journal page 139 and 140.

P. C. Mosely,
Governor."

Approved Oct. 25, 1895.

I am, therefore, of the opinion that the applicants herein have never occupied such a status as would entitle them to enrollment as citizens of the Chickasaw Nation; that the action of the Choctaw-Chickasaw Citizenship Court of June 20, 1904 is final, and that the applications for the enrollment of Mary Bray, nee McCarley, James McCarley, Eli McCarley, Vacon McCarley, Sarah McCarley, Walter McCarley, Affie McCarley, Ernest McCarley, Nancy McCarley, Mary Jane Trout, Amanda Jarvis, Sidney McCarley, Sarah Ann Short and Nancy Newberry as citizens of the Chickasaw Nation, and the petition herein in so far as same apply to said applicants, should be denied, under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the application for the enrollment of V. W. McCarley and George Jarvis as intermarried citizens of the Chickasaw Nation, and the petition herein in

so far as same applies to said applicants should be denied, under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the application for the enrollment of M. W. McCarley and George Jarvis as intermarried citizens of the Chickasaw Nation, and the petition herein in so far as same applies to said applicants should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the application for the enrollment of Nancy McCarley, wife of M. W. McCarley, who the record shows died prior to September 25, 1902, and the petition herein in so far as same applies to said applicant should be dismissed, and it is so ordered.

I am further of the opinion that the petitions herein in so far as same apply to the petitioners, Cassie E. McCarley, Hessie Viola McCarley, Elma Myrtle McCarley, Jennie Ann Trout, Cynthia May Trout, Steela Lillis Trout and George Arville Trout, whose applications for enrollment as citizens of the Chickasaw Nation have heretofore been dismissed by the Commission to the Five Civilized Tribes, and Sallie May Newberry and Effie Myrtle Newberry, whose applications have heretofore been refused, should be dismissed, and it is so ordered.

I am further of the opinion that the petition herein in so far as it applies to the petitioner, Otto Mitchell Bray, should be considered as an application for the enrollment of said applicant as a citizen of the Chickasaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), that said application and the applications filed June 13, 1906, and July 25, 1906, for the enrollment of Gracy Ella Trout, Jennie Ann Trout, Cynthia May Trout, Stella Lissis Trout, George Orville Trout, Bessie Elizabeth Trout, Benjamin Westmoreland Trout, Harry Cleveland Trout and Robert E. Lee Trout should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

(Signed) Tams Bixby,
Commissioner.

Muskogee, Indian Territory,

FEB 16 1907

MEMORANDA.

Name Mary J. Trout, (30) (Date) June 16, 1900
Elk, I.T.

Choctaw? _____ County _____ Year _____ No. _____

Chickasaw? yes County _____ Year _____ Page _____

Citizen by blood? yes $\frac{1}{8}$ Mother's citizenship Chic.

Intermarried citizen? _____

Married under what law? _____

License filed this day, _____

(Husband) Ransom Trout,

Choctaw? _____ County _____ Year _____ No. _____

Chickasaw? _____ County _____ Year _____ Page _____

Citizen by blood? _____ Mother's citizenship _____

Intermarried citizen? _____

Married under what law? _____

License filed this day _____

Names of children:

	County	Year	Page	No.
12. Thomas H.	County	1888	Year	Page No.
11. Benj. H.	County	1889	Year	Page No.
9. Robert E. Lee	County	1891	Year	Page No.
7. Mary C.	County	1893	Year	Page No.
6. Berlie E.	County	1894	Year	Page No.
3. Cynthia A.	County	1897	Year	Page No.
2. Jennie A.	County	1898	Year	Page No.
	County		Year	Page No.
	County		Year	Page No.

(Enroll children only)

Jennie A. is already enrolled.
 Do not enroll Cynthia A.

COPY.

Muskogee, Indian Territory, February 3, 1902.

Mary Jane Trout,

Elk, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of your five minor children, Thomas Norman Trout, Benjamin Westmoreland Trout, Robert E. Lee Trout, Harry Cleveland Trout and Bessie Elizabeth Trout as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED):

Samuel M. May.

Acting Chairman.

1 enclosure
Chickasaw R 39
Registered.

COPY.

Muskegee, Indian Territory, February 3, 1902.

Messrs Mansfield, McMurray & Cornish,
Attorneys for the Cheetaw and Chickasaw Nations,
South McAlester, Indian Territory .

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Thomas Norman Trout, Benjamin Westmoreland Trout, Robert E. Lee Trout, Harry Cleveland Trout and Bessie Elizabeth Trout as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED)

Tamie Dickey.
Acting Chairman.

1 enclosure
Chickasaw R 39
Registered.

COPY.

Muskogee, Indian Territory, February 3, 1902.

J. P. Mullin,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Thomas Norman Trout, Benjamin Westmoreland Trout, Robert E. Lee Trout, Harry Cleveland Trout and Bessie Elizabeth Trout, as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED)

James D. Dwyer

Acting Chairman.

1 enclosure
Chickasaw R 39
Registered

COPY.

Muskogee, Indian Territory, February 3, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Mary Jane Trout for the enrollment of her five minor children, Thomas Herman Trout, Benjamin Westmereland Trout, Robert E. Lee Trout, Harry Cleveland Trout and Bessie Elizabeth Trout, as citizens of the Chickasaw Nation, including the decision of the Commission, dated February 3, 1902, refusing the application for the enrollment of Thomas Herman Trout, Benjamin Westmereland Trout, Robert E. Lee Trout, Harry Cleveland Trout and Bessie Elizabeth Trout as citizens of said nation.

Respectfully,

(SIGNED) *Samuel Dickey*

Acting Chairman.

1 enclosure
Chickasaw R 39

Through the Commissioner
of Indian Affairs.

C O P Y .

Land.
8473-1902.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, February 15, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is inclosed herewith a report from the Acting Chairman of the Commission to the Five Civilized Tribes dated February 3, 1902, forwarding for the Department's consideration the record of proceedings in the matter of the application of Mary Jane Trout for the enrollment of her minor children, Thomas Norman Trout, Benjamin Westmoreland Trout, Robert Lee Trout, Harry Cleveland Trout and Bessie Elizabeth Trout, as citizens by blood of the Chickasaw Nation.

February 3, 1902, the Commission found that said minor children were not entitled to enrollment as citizens of the Chickasaw Nation.

The record shows that in 1896 Mary Jane Trout, the mother of said minor children, applied for admission to citizenship in the Chickasaw Nation; that her application was denied; that an appeal was taken from the decision of the Commission, and that same was reversed in that Mary Jane Trout was admitted citizenship in the Chickasaw Nation.

The record also shows that at the time Mary Jane Trout applied to the Commission for enrollment and at the time she was admitted by the court to citizenship in the Chickasaw Nation, the children above named were living and that their names were not included in the application to the Commission or in the judgment of the court. This being true, the application of June 16, 1900, made by Mary Jane Trout for the enrollment of her minor children was an original application, and the time limit under which original applications could be made having expired at this time, the office believes that the action of the Commission of February 3, 1902, is correct and respectfully recommends that it be approved.

Very respectfully,

Your obedient servant,

W. A. JONES.

Commissioner.

GAW
D

3 inclosures.

11
L.H.S.

13677

J.P.
F.

DEPARTMENT OF THE INTERIOR.
I.T.D. 1172-1902,
WASHINGTON.

March 3, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

The Department has considered the application of Mary Jane Trout for the enrollment of her minor children, Thomas Norman Trout, Benjamin Westmoreland Trout, Robert E. Lee Trout, Harry Cleveland Trout and Bessie Elizabeth Trout, as citizens by blood of the Chickasaw Nation.

It appears that in 1896 Mary Jane Trout made application for citizenship in the Chickasaw Nation and was rejected by your Commission; that on appeal to the United States Court your decision was reversed and she was admitted to citizenship. Her application did not include the present applicants, who were then living, and their names were not included in the judgment of the court. You rejected the present application under the provision of the act of May 31, 1900 (31 Stat., 221), because the claimants have not been enrolled or admitted to citizenship in said nation.

-2-

February 15, 1902, the Commissioner of Indian Affairs recommended that your decision be affirmed. A copy of his letter is inclosed.

Finding no reason to disturb your decision, it is affirmed.

Respectfully,

Thos. Ryan

Acting Secretary.
E.M.D.

1 inclosure.

Chickasaw 8-19

COPY

Mustang, Indian Territory, April 8, 1902.

Mary Jane Trout,

Elk, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior under date of March 3, 1902, affirmed the decision of the Commission, dated February 3, 1902, denying the application made by you for the enrollment of your minor children, Thomas Horace Trout, Benjamin Westmoreland Trout, Robert R. Lee Trout, Harry Cleveland Trout and Bessie Elizabeth Trout as citizens of the Chickasaw Nation.

Yours truly,

C. R. Brookridge
Commissioner in Charge.

COPY.

Chickasaw R 39

Muskogee, Indian Territory, April 5, 1902.

Messrs Mansfield, McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior under date of March 3, 1902, affirmed the decision of the Commission, dated February 3, 1902, denying the application made by Mary Jane Trout for the enrollment of her minor children, Thomas Herman Trout, Benjamin Westmereland Trout, Robert R. Lee Trout, Harry Cleveland Trout and Bessie Elizabeth Trout as citizens of the Chickasaw Nation.

Yours truly,

(SIGNED).

C. R. Breckinridge.

Commissioner in Charge.

Chickasaw R 39

COPY.

Muskogee, Indian Territory, April 5, 1902.

J. P. Mullin,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of March 3, 1902, affirmed the decision of the Commission, dated February 3, 1902, denying the application made by Mary Jane Trout for the enrollment of her minor children, Thomas Norman Trout, Benjamin Westmoreland Trout, Robert E. Lee Trout, Harry Cleveland Trout and Bessie Elizabeth Trout as citizens of the Chickasaw Nation.

Yours truly,

SIGNED: *C. R. Breckinridge.*

Commissioner in Charge

Chic. R-40

Chic. R-40

Department of the Interior,
Commission to the Five Civilized Tribes,
Oelbert, I.T., June 18, 1900.

In the matter of the application of Pelly Ann Quick for the enrollment of herself, children and grandchildren as Chickasaws by blood; being sworn and examined by Acting Chairman Bixby she testified as follows:

- Q What is your name? A Pelly Ann Quick.
- Q What is your age? A 56.
- Q What is your post office address? A Marietta, I. T.
- Q How long have you lived in the Indian Territory? A About 15 years.
- Q Have you been living here all the time? A Yes, sir.
- Q Have you been outside of the Territory during the past two years? A No, sir, no more than on a visit.
- Q How long were you gone on a visit? A Nine or ten days.
- Q Where did you live before you came to the Territory? A In Texas.
- Q Were you born in Texas? A No, sir, I was born in Missouri.
- Q You lived in Missouri and Texas until you moved to the Territory about 15 years ago? A Yes, sir.
- Q What is your father's name? A John Looney.
- Q Is he living? A No, sir.
- Q Was he a Chickasaw indian? A No, sir, he was a white man.
- Q What was your mother's name? A Samantha Looney.
- Q Is she living? A Yes, sir.
- Q Is she a Chickasaw indian? A Yes, sir.
- Q What proportion of Chickasaw blood does she claim? A Quarter-blood.
- Q Has her name ever been on the Tribal rolls of the Chickasaw Nation? A Not unless we are now, I don't know whether her name is there or not.
- Q I am talking about the Tribal rolls? Was it ever on the rolls of the Tribe? A No, sir.
- Q Has your mother's name ever been on the tribal rolls of the Chickasaw Nation? A Not that I know of.
- Q Has she ever been recognized by the Tribal authorities as a Chickasaw indian? A Yes, sir, I reckon so, I don't know.
- Q Do you know whether she ever drew any money as a Chickasaw? A No, sir, I know she didn't.
- Q What proportion of Chickasaw blood do you claim runs in your veins? A $1/8$.
- Q Has your name ever been upon the Chickasaw Tribal rolls? A No, sir, not that I know of.
- Q Have you ever been recognized by the Tribal authorities as a Chickasaw indian? A No, sir.
- Q Did you ever apply to the Tribal authorities for enrollment as a Chickasaw? A No, sir.
- Q Did you apply to the Commission to the Five Civilized Tribes in 1896? A No, sir.
- Q Is this your first application? A Yes, sir.
- Q Where were you married? A The last time I was married in Gainesville, Texas.
- Q Where were you married to the man who is the father of your children that you are applying for? A Sherman, Texas.
- Q What was his name? A John Tate.
- Q Is he dead? A Yes, sir.
- Q Were you married to him under Chickasaw law? A Yes, sir.
- Q Were you married in Texas? A Yes, sir.
- Q Do you remember when it was? A I don't remember what day it was.
- Q What are the names and ages of your children under 21 years of age and unmarried? A I haven't got any under 21 years of age except one girl, Ellie Tate, 17.
- Q Does this child live with you? A Yes, sir.

Pelly Am Quick - 2.


- Q Her post office address and residence is the same as yours?
A Yes, sir.
- Q Do you know of anything else in regard to your case you would like to state at this time? A Yes, sir, I have got some little grandchildren, their mother is dead.
- Q Do you take care of them? A Yes, sir.
- Q What is your grandchild's name? A Albert Tate.
- Q How old is Albert? A 5.
- Q Is he a son of your son? A No, sir, my daughter, she is dead.
- Q What was her name? A Maggie Tate.
- Q What is Albert's father's name? A He hasn't got any father, but his mother was named Maggie Tate.
- Q Can't you make a guess at his father's name? A Yes, sir, Charlie Winter.
- Q Is he living? A If he is living, I don't know it, I don't know anything about him, where he is; I raised Albert from the cradle.
- Q That is all the people that you apply for? A Yes, sir.
- Q That is the only statement you care to make, nothing else you want to say? A No, sir.
- Q Are there any papers you desire to file? A No, sir.

The enrollment of yourself and your child and your grandchild as Chickasaw Indians by blood is refused for the reason that your names do not appear upon the Tribal rolls of the Chickasaw Nation now in the possession of this Commission, and for the further reason that it appears from the testimony and from the record that neither you or your child or your grandchild have ever been recognised by the lawfully constituted tribal authorities of the Chickasaw Nation as citizens of said Nation, and neither you or the other members of your family were admitted to citizenship by the Commission to the Five Civilized Tribes, acting under the law of June 10, 1896, or by a judgment of the United States Court in the Indian Territory.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce G. Jones

Sworn to and subscribed before me this the 28th day of June, 1900.



Commissioner.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of Pelly Ann Quick for the enrollment of herself and her minor child, Ollie Tate, and her minor grandchild, Albert Tate, as citizens by blood of the Chickasaw Nation.

DECISION.

It appears from the record in this case that on June 18, 1900, the applicant, Pelly Ann Quick, appeared before the Commission at Colbert, Indian Territory, and applied for the enrollment of herself and her minor child, Ollie Tate, and her minor grand child, Albert Tate, as citizens by blood of the Chickasaw Nation.

It appears from the evidence offered in support of said application and examination of the tribal rolls of the Chickasaw Nation in the possession of the Commission that the applicants above named have never been enrolled as citizens of the Chickasaw Nation and that their names do not appear upon the tribal rolls of the Chickasaw Nation.

It further appears from an examination of the records in the possession of the Commission that these applicants have never been admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes, or the legally constituted authorities of the said Nation or the United States Court in Indian Territory on appeal in accordance with the act of Congress of June 10, 1896 (29 Stats., 581).

The act of Congress of June 13, 1898, (30 Stats., 495), provides:



"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Cherokee and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 221), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is therefore the opinion of this Commission that Pelly Ann Quick and her minor child, Ollie Tate, and her minor grandchild, Albert Tate, are not lawfully entitled to be enrolled as members of the Chickasaw Tribe of Indians in Indian Territory and that their application as such should be refused and it is so ordered.

The Commission to the Five Civilized Tribes.


COMMISSIONER.

COMMISSIONER.

COMMISSIONER.

Dated at Muskogee, Indian Territory,
this JAN 25 1902

REFUSED.

MEMORANDA.

JUN 18 1900

JUN 18 1900

Name Polly Ann Quirk (Date) 56 Marietta, I.T.

Choctaw? County Year No.

Chickasaw? yes County Year Page

Citizen by blood? yes Mother's citizenship CHICKASAW.

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name. (Husband) John Tate.

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

17. Ollie Tate

(grand child)

5. Albert Tate

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

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County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

(Father). John Looney, Dead
(mother). Samantha Looney.

COPY

Muskogee, Indian Territory, January 25, 1902.

Polly Ann Quick,

Marquette, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the five Civilized Tribes in the matter of the application made by you for the enrollment of yourself, your minor child, Ollie Tate and your minor grand-child, Albert Tate, as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Tamm Birby

Acting Chairman.

1 enclosure.
Chickasaw R 40
Registered.

COPY

Muskogee, Indian Territory, January 23, 1902.

Messrs Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Polly Ann Quick, Ollie Tate and Albert Tate, as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

James Hixby

Acting Chairman.

1 enclosure.
Chickasaw R 40
Registered.

COPY

Muskogee, Indian Territory, January 25, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Polly Ann Quick for the enrollment of herself and her minor child, Ollie Tate and her minor grand-child, Albert Tate, as citizens of the Chickasaw Nation, including the decision of the Commission dated January 25, 1902, refusing the application for the enrollment of Polly Ann Quick, Ollie Tate and Albert Tate as citizens of said nation.

Respectfully,

Tams Bixby

Acting Chairman.

1 enclosure.
Chickasaw R 40

Through the Commissioner
of Indian Affairs.

D. C. No. 2747-1902.

(COPY)

L. A. E.

18970

J. P.
F.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I.T.D.1100 &
1101-1902.

February 28, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Your decision of January 25, 1902, rejecting the application for enrollment of Polly Ann Quick, Albert Tate and Ollie Tate as citizens by blood of the Chickasaw Nation, case R 40, in accordance with the act of May 31, 1900 (31 Stat., 221), is hereby affirmed, as recommended by the Commissioner of Indian Affairs in letter of February 14.

Respectfully,

Theo Ryan

Acting Secretary.

END

Copy

Muskogee, Indian Territory, March 13, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior under date of February 28, 1902, affirmed the decision of the Commission, dated January 25, 1902, denying the application made by Polly Ann Quick for the enrollment of herself, her minor child, Ollie Tate and her minor grand-child, Albert Tate, as citizens of the Chickasaw Nation.

Yours truly,

(SIGNED)

C. D. McCallister

Commissioner in Charge.

Chicago, Ill. 40.

COPY

Washburn, Indian Territory, March 18, 1902.

Felly Ann Gilch,

Washburn, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of February 28, 1902, affirmed the decision of the Commission, dated January 25, 1902, denying the application made by you for the enrollment of yourself, your minor child, Ollie Tate and your minor grand-child, Albert Tate, as citizens of the Chickasaw Nation.

Very truly,

SIGNED:

T. B. Needles.

Commissioner in Charge.

Chic. R-41

Chic. R-41

9-241

Department of the Interior,
Commission to the Five Civilized Tribes,
Selbert, I.T., June 18, 1900.

—o—

In the matter of the application of Jane Lynn for the enrollment of herself and child as Chickasaws by blood; being sworn and examined by Acting Chairman Bixby, she testified as follows:

- Q What is your name? A Jane Lynn.
- Q How old are you? A 25.
- Q What is your post office address? A Marietta, I.T.
- Q How long have you lived at Marietta? A I have lived there for 7 years.
- Q Have you been living in the Territory all the time for the past three years? A Yes, sir, I have been raised in the Territory.
- Q I am asking about the past three years, have you been living continuously in the Territory for 3 years? A Yes, sir.
- Q Where did you live before you came to the Indian Territory?
- A I can't tell you, I was born in the Indian Territory.
- Q Haven't you ever been living outside? A No, sir.
- Q Were you born and bred here? A Yes, sir.
- Q What is your father's name? A John Tate.
- Q Is he living? A No, sir, he is dead.
- Q Was he a white man or a Choctaw indian? A White man.
- Q What is your mother's name? A P. A. Quick.
- Q Is she living? A Yes, sir.
- Q Is she a Chickasaw indian? A Yes, sir, my mother claimed to be a Chickasaw indian.
- Q What proportion of Chickasaw blood does she claim to have?
- A $\frac{1}{8}$.
- Q Has her name ever been on the Chickasaw Tribal rolls? A No, sir, not that I know of.
- Q Has she ever been recognized by the Tribal authorities as a Chickasaw Indian? A Not that I know of.
- Q What proportion of Chickasaw blood have you in your veins? A My mother is $\frac{1}{8}$ and I can't tell you how much it would make me.
- Q Can't you figure how much you would be? A No, sir, I am not good at figures, my mother never sent me to school.
- Q Do you think you are about $\frac{1}{16}$? A I think about $\frac{1}{16}$.
- Q Has your name ever been on the Tribal rolls of the Chickasaw Nation? A No, sir.
- Q Have you ever been recognized by the officials of the Chickasaw Nation as a Chickasaw indian? A No, sir.
- Q Did you ever apply to the Tribal authorities for enrollment as a Chickasaw? A No, sir, not until this time.
- Q This is not the tribal authorities, you never applied to the Chickasaw Legislature or Committee or Commission of the Chickasaw Tribe for enrollment as a Chickasaw by blood, did you? A No, sir.
- Q Did you apply to the Dawes Commission in the year 1896? A No, sir.
- Q This is your first application, then? A Yes, sir, this is my first application.
- Q Are you married? A Yes, sir, I was married about 4 years ago but my husband has left me.
- Q What is his name? A Milton Lynn.
- Q Is he the father of this boy? A Yes, sir.
- Q Does this boy live with you? A Yes, sir.
- Q His residence and post office address has always been the same as yours? A Yes, sir.
- Q What is his name and age? A Willie Lynn, he is 3 years old.
- Q Is there any additional statement you would like to make in regard to this case at this time? A No, sir.
- Q Have you any papers you would like to file with the Commission?
- A No, sir, I have no papers at all.

June 1900 - 2

Your enrollment and the enrollment of your son as Chickasaw Indians by blood is refused for the reason that your name do not appear upon the Tribal rolls of the Chickasaw Nation nor in the possession of this Commission, and for the additional reason that it appears from the testimony in this case and the record that neither you or your child have ever been recognized by the lawfully constituted authorities of the Chickasaw Nation as citizens of said Nation, and neither you or your son were admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes when acting under the law of June 10, 1898, or by a judgment of the United States Court in the Indian Territory.

Ernest C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true, and correct translation of his stenographic notes.

Ernest C. Jones

Sworn to and subscribed before me this 20th day of June, 1900.

[Signature]
Commissioner.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Jane Lynn for the enrollment of herself and her minor child, Billie Lynn, as citizens by blood of the Chickasaw Nation.

D E C I S I O N .

It appears from the record in this case that on June 18, 1900, the applicant, Jane Lynn, appeared before the Commission at Colbert, Indian Territory, and applied for the enrollment of herself and her minor child, Billie Lynn, as citizens by blood of the Chickasaw Nation.

It appears from the evidence offered in support of said application and examination of the tribal rolls of the Chickasaw Nation in the possession of the Commission that the applicants above named have never been enrolled as citizens of the Chickasaw Nation and that their names do not appear upon the tribal rolls of the Chickasaw Nation.

It further appears from an examination of the records in the possession of the Commission that these applicants have never been admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes, or the legally constituted authorities of the said Nation or the United States Court in Indian Territory on appeal in accordance with the act of Congress of June 10, 1906, (34 Stat., 331).

The act of Congress of June 28, 1898, (30 Stats., 495),
provides:

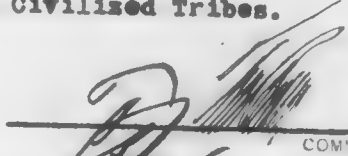
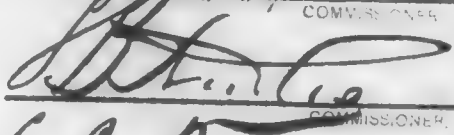

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 221),
provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is therefore the opinion of the Commission that Jane Lynn and her minor child, Billie Lynn, are not lawfully entitled to be enrolled as members of the Chickasaw Tribe of Indians in Indian Territory and that their application as such should be refused and it is so ordered.

The Commission to the Five Civilized Tribes.


COMMISSIONER

COMMISSIONER

COMMISSIONER

Dated at Muskogee, Indian Territory,
this JAN 25 1901

REFUSED.

MEMORANDA.

JUN 18 1900

JUN 18 1900

Name Jane Lynn (25) Mariette, T.J. (Date)
Choctaw? _____ County _____ Year _____ No. _____
Chickasaw? yes _____ County _____ Year _____ Page _____
Citizen by blood? yes, (1/16) Mother's citizenship CHICKASAW (1/8)
Intermarried citizen? _____

Married under what law?

License filed this day,

(Husband) Milton Lynn

Choctaw? _____ County _____ Year _____ No. _____
Chickasaw? _____ County _____ Year _____ Page _____
Citizen by blood? _____ Mother's citizenship _____
Intermarried citizen? _____
Married under what law? _____
License filed this day _____

Names of children:

3. Billie Lynn

County _____ Year _____ Page _____ No. _____
County _____ Year _____ Page _____ No. _____
County _____ Year _____ Page _____ No. _____
County _____ Year _____ Page _____ No. _____
County _____ Year _____ Page _____ No. _____
County _____ Year _____ Page _____ No. _____
County _____ Year _____ Page _____ No. _____
County _____ Year _____ Page _____ No. _____
County _____ Year _____ Page _____ No. _____
County _____ Year _____ Page _____ No. _____

(Father) John Tate, Dead
(mother) Polly a Quick, ✓

COPY

Muskogee, Indian Territory, January 25, 1902.

Jane Lynn,

Varietta, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and your minor child, Billie Lynn, as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Jane Bixby

Acting Chairman.

1 enclosure.
Chickasaw R 41
Registered.

COPY

Muskogee, Indian Territory, January 25, 1902.

Messrs Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Jane and Millie Lynn as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Jane Bixby

Acting Chairman.

1 enclosure.
Chickasaw R 41
Registered.

copy

Muskogee, Indian Territory, January 25, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Jane Lynn for the enrollment of herself and her minor child, Billie Lynn, as citizens of the Chickasaw Nation, including the decision of the Commission, dated January 25, 1902, refusing the application for the enrollment of Jane Lynn and Billie Lynn as citizens of said nation.

Respectfully,

Tans Rixby

Acting Chairman.

1 enclosure.
Chickasaw B 41

Through the Commissioner
of Indian Affairs.

D. C. No. 3763-1902

(COPY)

L. R. S.

12970

J. F.
F.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

I.T.D.1151 &
1101-1902.

February 28, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Your decision of January 23, 1902, rejecting the application for enrollment of Jane and Billie Lynn as citizens by blood of the Chickasaw Nation, case R 41, in accordance with the act of May 31, 1900 (31 Stat., 221), is hereby affirmed , as recommended by the Commissioner of Indian Affairs in letter of February 14.

Respectfully,

Thos Ryan

Acting Secretary

MD

Chickasaw R 41

COR

OPY.

Muskegee, Indian Territory March 13, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of February 26, 1902, affirmed the decision of the Commission, dated January 25, 1902, denying the application made by Jane Lynn for the enrollment of herself and her minor child, Billie Lynn, as citizens of the Chickasaw Nation.

Yours truly,

(SIGNED). *T. D. Needles.*

Commissioner in Charge.

Chickasaw R 41

COPY

Muskogee, Indian Territory, March 11, 1902.

Jane Lynn,

Marietta, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of February 26, 1902, affirmed the decision of the Commission, dated January 23, 1902, denying the application made by you for the enrollment of yourself and your minor child, Billie Lynn, as citizens of the Chickasaw Nation

Yours truly,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

Chic.R-42

Chic.R-42

9 R 42

11

11

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Colbert, Indian Territory, June 18, 1900.

In the matter of the application for enrollment as citizen of the Chickasaw Nation, by blood, of Tony Tate, said Tony Tate being first duly sworn by Acting Chairman Tams Bixby, testified as follows:

- Q What is your name? A Tony Tate.
Q How old are you? A Thirty.
Q Where do you live? A Marietta, I.T.
Q Is Marietta your post office address? A Yes sir.
Q You claim to be a Chickasaw? A Yes sir.
Q How much Chickasaw blood do you claim? A One-sixteenth.
Q You make application as a Chickasaw citizen by blood? A Yes sir.
Q What is the name of your father? A John Tate.
Q Is he living? A No sir, he is dead.
Q What is your mother's name? A Polly Ann Quick.
Q Is your mother living? A Yes sir.
Q Through whom do you claim your Indian blood? A My mother.
Q Is your mother on the Chickasaw rolls? A No sir.
Q In what county in the Chickasaw Nation does she belong? A She lives in Pickens county.
Q Does she claim to belong in that county on the rolls of the Chickasaw Nation? I don't know.
Q How long have you lived in the Indian Territory? A Fifteen years I have been here.
Q Have you been outside of the Indian Territory in the past 15 years? A yes sir, I have been outside, in Oklahoma and Texas.
Q What was the purpose of your trip to Oklahoma? A I went on a pleasure trip and to hunt.
Q How long since? A Three years ago.
Q How long did you remain? A Five or six days.
Q When did you go to Texas? A Go there every day or two, live right on the line, go over and back; have not been five miles in the interior of Texas for 15 Years.
Q You never made your home outside of the Indian Territory within the past fifteen years? A No sir.
Q Have you ever been enrolled by the Chickasaw authorities? A No sir.
Q Did you ever apply to the authorities of the Chickasaw Nation for citizenship in the Chickasaw Nation? A No sir.
Q Did you, or did any one for you, apply to the Commission to the Five Civilized Tribes in 1896 under the Act of Congress, June 10th 1896 for citizenship in the Chickasaw Nation? A I made a contract with a lawyer at Ardmore but I never did find out whether my papers were filed or not. D
Q Do you know the title of the case in which you applied; who was the principal in the suit? A My mother, Polly Ann Quick.
Q Do you know what action the Commission took on your application? A No sir, It might have been under the name of my grant mother Samantha Looney.
Q Do you claim recognition by virtue of the judgment of the United States Court in the case of John P. Halder, et al, vs the Chickasaw Nation? A Yes sir.

The 1896 citizenship docket, "C" examined; On page 22, Chickasaw case No 62, John P. Halder et al vs the Chickasaw Nation; original application filed September 10th, 1896; answer of the Chickasaw Nation filed; application denied by the Commission November 10th, 1896; appealed to the United States Court for the Southern District, Indian Territory and the decision of the Commission re-

versed and 98 parties were admitted to citizenship. The name of Tony Tate does not appear among the names of the parties admitted by virtue of this Judgment.

Q Are you married? A No sir.

Q You have no children then? A No sir.

Q You merely claim for yourself? A Yes sir.

Q Is there any additional statement in regard to your case that you desire to make at this time? A Samantha Looney is my Mother's mother and she is on that record, and she also has a brother (my mother has) in that judgment - Mr John A. Looney.

The decision of the Commission as to your application for enrollment as a citizen by blood of the Chickasaw Nation will be mailed to you in the nearfuture at your present postoffice address.

A. McElrath, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case and that the above and foregoing is a full, true and complete transcript of his stenographic notes in said case.

Subscribed and sworn to before me this

A. McElrath

27 day of July, 1900.

[Signature]
Acting Chairman.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Tony Tate for enrollment as a citizen by blood of the Chickasaw Nation.

D E C I S I O N .

It appears from the record in this case that on June 18, 1900, the applicant Tony Tate appeared before the Commission at Colbert, Indian Territory, and made application for enrollment as a citizen by blood of the Chickasaw Nation.

It appears from the evidence offered in support of said application and examination of the tribal rolls of the Chickasaw Nation in the possession of the Commission that the applicant, above named has not been enrolled as a citizen of the Chickasaw Nation and that his name does not appear upon the tribal rolls of the Chickasaw Nation.

It further appears from an examination of the records in the possession of the Commission that this applicant has never been admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes, or the legally constituted authorities of the said Nation or the United States Court in Indian Territory on appeal in accordance with the act of Congress of June 10, 1896, (29 Stats., 321).

The act of Congress of June 28, 1898, (30 Stats., 495) provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have

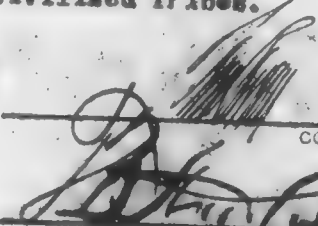
been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."


The act of Congress of May 31, 1900, (31 Stats., 221), provides:


"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is therefore the opinion of this Commission that Tony Tate is not lawfully entitled to be enrolled as a member of the Chickasaw Tribe of Indians in Indian Territory and that his application as such should be refused and it is so ordered.

The Commission to the Five Civilized Tribes.



COMMISSIONER.


COMMISSIONER.


COMMISSIONER.

Dated at Muskogee, Indian Territory,
this JAN-25 1902.

MEMORANDA.

Name Tony Tate, 30, Marietta, Ind. Ter. (Date) June 18 1900

Choctaw? _____ County _____ Year _____ No. _____

Chickasaw? 1/16 County _____ Year _____ Page _____

Citizen by blood? _____ Mother's citizenship _____

Intermarried citizen? Yes John Tate Dead

Married under what law? Mother's Polly Ann Quick

License filed this day, (Claims through Mother)

Wife's name, _____

Choctaw? _____ County _____ Year _____ No. _____

Chickasaw? _____ County _____ Year _____ Page _____

Citizen by blood? _____ Mother's citizenship _____

Intermarried citizen? _____

Married under what law? _____

License filed this day _____

Names of children:

County Choctaw Year _____ Page _____ No. _____

County _____ Year _____ Page _____ No. _____

County _____ Year _____ Page _____ No. _____

County _____ Year _____ Page _____ No. _____

County _____ Year _____ Page _____ No. _____

County _____ Year _____ Page _____ No. _____

County _____ Year _____ Page _____ No. _____

County _____ Year _____ Page _____ No. _____

County _____ Year _____ Page _____ No. _____

County _____ Year _____ Page _____ No. _____

Chickasaw by blood

COPY

Muskogee, Indian Territory, January 25, 1902.

Tony Tate,

Marietta, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for enrollment as a citizen of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Tamm Bixby

Acting Chairman.

1 inclosure.
Chickasaw R 42
Registered.

COPY

Muskogee, Indian Territory, January 25, 1902.

Messrs Mansfield, Matheray & Bernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Tony Tate as a citizen of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

James Bixby

Acting Chairman.

1 enclosure.
Chickasaw N 42
Registered.

COPY

Muskogee, Indian Territory, January 25, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Tony Tate for enrollment as a citizen of the Chickasaw Nation, including the decision of the Commission, dated January 25, 1902, refusing the application for the enrollment of Tony Tate as a citizen of said nation.

Respectfully,

Tams Bixby

Acting Chairman.

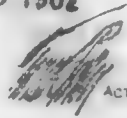
1 enclosure.
Chickasaw R 42

Through the Commissioner
of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAR 18 1902



ACTING CHAIRMAN.

L.R.S.

DEPARTMENT OF THE INTERIOR.

I.T.D.1111 &
1101-1902.

WASHINGTON.

February 28, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

Your decision of January 25, 1902, rejecting the application for enrollment of Tony Tate as a citizen by blood of the Chickasaw Nation, case R 42, in accordance with the act of May 31, 1900 (31 Stat., 221), is hereby affirmed, as recommended by the Commissioner of Indian Affairs in letter of February 14.

Respectfully,

Thos. Ryan

Acting Secretary.
E.M.D.

COPY.

Chickasaw R 42

Muskogee, Indian Territory, March 13, 1902.

Tony Tate,

Marietta, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of February 28, 1902, affirmed the decision of the Commission, dated January 25, 1902, denying the application made by you for enrollment as a citizen of the Chickasaw Nation.

Yours truly,

(SIGNED).

L. D. Needles.

Commissioner in Charge.

COPY.

Chickasaw R 42

Muskogee, Indian Territory, March 13, 1902.

Messrs Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of February 28, 1902, affirmed the decision of the Commission, dated January 25, 1902, denying the application made by Tony Tate for enrollment as a citizen of the Chickasaw Nation.

Yours truly,

(SIGNED).

T. B. Needles.

Commissioner in Charge.

Chic. R-43

Chic. R-43

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES/
Colbert, Indian Territory, June 18, 1900.

In the matter of the application for enrollment as a citizen of the Chickasaw Nation, by blood of A. Holder and his minor children A. Holder, being first duly sworn by Acting Chairman, Tans Bixby, testified as follows:

Q What is your name? A. Holder.

Q How old are you. A I don't know exactly, about thirty-six years old.

Q What is your post office address? A Marietta, I.T.

Q Do you live at Marietta? A I live six miles East of Marietta.

Q You are a farmer? A Yes sir.

Q Do you make application as a Chickasaw by blood? A Yes sir.

Q What is your father's name? James L. Holder.

Q He living? A No sir.

Q What is your mother's name? Sally Looner.

Q She living? A No sir.

Q Who do you claim your Indian blood through? A Through my father.

Q You claim your right to Chickasaw citizenship by blood through your father James Lewis Holder? A Yes sir.

Q Is he on the Chickasaw rolls? A No sir.

Q To what district in the Chickasaw Nation does he belong? A What county does my father belong to; I don't know that he belongs in any county.

Q You know that these Indian countries are all proportioned into counties? A No sir.

Q You don't know much about matters in the Chickasaw Nation? A No sir.

Q You don't know that your father was enrolled? A No sir.

Q Is your mother a Chickasaw? A No sir.

Q In what county in the Chickasaw Nation do you belong? A Pickens

Q How long have you lived in the Indian Territory? A 14 years.

Q Have you lived here continuously for that length of time? A Yes sir.

Q Never been out of the Territory? A Yes sir I have been out.

Q When? A I was out yesterday.

Q You never stayed out? A No sir.

Q The times you were out of the territory you went merely on business short trips that only took you a few days? A Yes sir.

Q Have you ever been enrolled by the Chickasaw tribal authorities? A No sir.

Q Your name does not appear upon the tribal rolls? A No sir.

Q Did you ever apply for enrollment as a Chickasaw to the authorities of the Chickasaw Nation. A No sir.

Q Did you ever apply to the Commission to the Five Civilized Tribes for citizenship in the Chickasaw Nation, under the Act of Congress, June 10th, 1896? A No sir.

Q What proportion of Chickasaw blood do you claim to have. A One-eighth.

Q You don't make any claim for your wife? A Well, no, I guess not.

Q What is her name? Sarah Elisabeth Holder.

Q Is she living? A Yes sir.

Q You say she claims to be a Chickasaw? A Yes sir. I think you can find her name on the books.

Q How did she become a citizen of the Chickasaw Nation? A By inter-marriage.

Q She is a citizen by intermarriage of the Chickasaw Nation? A Yes sir.

Q Who did she marry? A Bailey Bacon.

Q How long have you been married to her? A (th day of December it will be 20 years, if I don't make no mistake.

Q On what Chickasaw roll does this name appear? A I don't know about that I'm sure I don't know anything about those rolls.

A. Holder, -2-

Q You knew nothing about her tribal enrollment? A No sir, no more than that she was an Indian and drew money with them.

Q Do you know whether she has ever been enrolled by the Dawes Commission? A No sir, I think not.

Q Did she ever apply to the Dawes Commission? A We went to Oakland but we never was before the Commission at all.

Q Did your wife apply to the tribal authorities of the Chickasaw Nation? A To the Council, yes sir.

Q What action was taken? A They never gave us no hearing at all.

Q Then her name was never placed on the rolls? A Not since me an h her was married.

Q She has not been placed upon any of the Chickasaw rolls within the last twenty years then? A No sir.

Q You make no claim by virtue of your marriage to her? A No sir not at all.

Q What was her father's name? A Wallace Cromwell.

Q Is he living? A No sir.

Q What was her mother's name? I don't know.

Q Have you any children under 21 years of age and unmarried? A Yes sir.

Q What are the names and ages of those for whom you now make claim?

A Lee Holder 15, Charley Holder 14, Malsey Holder 12, Lula 10.

Q That is all is it, four children? A Yes sir, only four children.

Q This is your first appearance as an applicant before this Commission? A Yes sir this is my first.

Q Do you desire now to submit in evidence of your marriage your marriage certificate and license, between yourself and Sarah Elizabeth Holder? A No sir, I do not.

Q All of these children are now living with you at your home; they have always lived with you and you are their natural guardian? A Yes sir.

Q I understand that you make claim for Chickasaw citizenship by virtue of the judgment of the United States Court rendered in the case of Jno. P. Holder, et al vs the Chickasaw Nation? A No sir I don't; not from that judgment I don't.

Q On what then do you base your claim? A In my blood.

Q You wish then to establish the fact of your blood rights as having been recognized by the Court in that case?

The 1896 Citizenship Docket "C" examined; on page 12, Chickasaw case No 262, Jno. P. Holder, et al vs the Chickasaw Nation. Original application filed Sept. 10th, 1896; answer Chickasaw Nation filed. Application denied by the Commission on November 10th, 1896. Appeal taken to the United States Court for the Southern District Indian Territory and the judgment of that court reversed the decision of this Commission and admitted to citizenship 98 parties. The name of Al. Holder is not included in the list of parties admitted to citizenship in this judgment.

Q Are there any additional statements that you wish to make regarding your case at this time? A Well I don't know that there is.

Q Any statements that you desire to make will go into the record now before this Commission? A No sir, not anything.

Q Are there any papers that you desire to file in the matter of your application, in the way of written applications or affidavits in support of your claim? A No sir, I think not.

The decision of this Commission as to your application on your own behalf and the application you make on behalf of your minor children as Chickasaw citizens by blood will be mailed to you in writing in the near future at your present postoffice address.

A. McElrath, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing case, and that the above and foregoing is a full, true and com-

A. Heller, -3-

also transcript of his deposition and notes in said cause.

A. M. E. Lath

Subscribed and sworn to before me this 17 day of July, 1900.

[Signature]

Notary Chairman.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Al Helder for the enrollment of himself and his four minor children, Lee, Charley, Malsey and Lula Helder, as citizens by blood of the Chickasaw Nation.

D E C I S I O N .

It appears from the record in this case that on June 18, 1900, the applicant, Al Helder, appeared before the Commission at Colbert, Indian Territory, and made application for the enrollment of himself and his four minor children, Lee Helder, Charley Helder, Malsey Helder and Lula Helder, as citizens by blood of the Chickasaw Nation.

It appears from the evidence offered in support of said application and examination of the tribal rolls of the Chickasaw Nation in the possession of the Commission that the applicants above named have never been enrolled as citizens of the Chickasaw Nation and that their names do not appear upon the tribal rolls of the Chickasaw Nation.

It further appears from an examination of the records in the possession of the Commission that these applicants have never been admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes, or the legally constituted authorities of the said Nation or the United States Court in Indian Territory on appeal in accordance with the act of Congress of June 10, 1900, (32 Stat., 321).

The act of Congress of June 28, 1898, (30 Stats., 498),
provides:

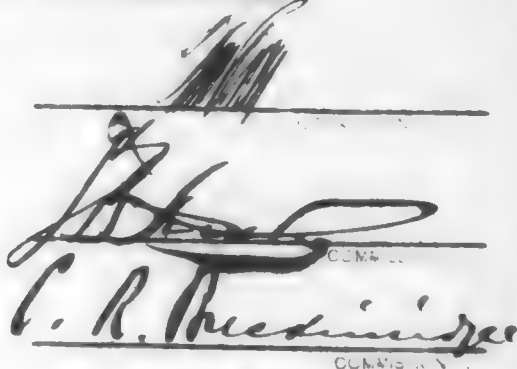
"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 221),
provides:

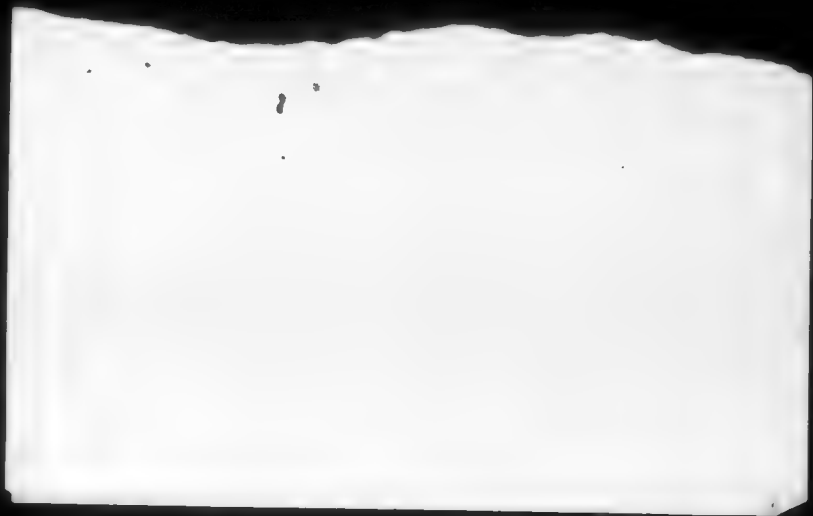
"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is therefore the opinion of this Commission that Al Holder and his four minor children, Lee Holder, Charley Holder, Melsey Holder and Lula Holder, are not lawfully entitled to be enrolled as members of the Chickasaw Tribe of Indians in Indian Territory and that their application as such should be refused and it is so ordered.

The Commission to the Five Civilized Tribes,


C. R. Presiminger
COMMISSIONER

Dated at Muskogee, Indian Territory,
this JAN 25 1901



MEMORANDA.

Name W. Holder, - 36 - Marietta, S. C. (Date) June 18 1900

Choctaw? County Year No.

Chickasaw? 1/8 County Year Page

Citizen by blood? Mother's citizenship Father: James L. Holder, dead.

Intermarried citizen? Mother: Bessie Looney, dead.

Married under what law? Census through father

License filed this day,

Wife's name, Sarah Elizabeth Holder, Census Chickasaw,

Choctaw? County Non-Union Med Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

15. Lee Holder

14. Charlie Holder

12. Mosey Holder

10. Lulu Holder

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

COPY

Muskogee, Indian Territory, January 25, 1902.

Al Holder,

Varietta, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and your four minor children, Lee, Charley, Malsey and Lula Holder as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Tama Rixby

Acting Chairman.

1 enclosure.
Chickasaw R 43
Registered.

COPY

Muskogee, Indian Territory, January 25, 1902.

Messrs Mansfield, Mc Murray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Al, Lee, Charley, Melsey and Lula Holder as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Tams Bixby

Acting Chairman.

1 enclosure.
Chickasaw R 43
Registered.

COPY

Muskogee, Indian Territory, January 25, 1902.

The Honorable,

The Secretary of the Interior.

Sir,

There is herewith transmitted the record of proceedings in the matter of the application of Al Holder for the enrollment of himself and his four minor children, Lee, Charley, Mollsey and Lula Holder, as citizens of the Chickasaw Nation, including the decision of the Commission, dated January 25, 1902, refusing the application for the enrollment of Al, Lee, Charley, Mollsey and Lula Holder as citizens of said nation.

Respectfully,

SIGNED: JOHN S. BERRY

acting Chairman.

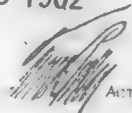
I enclose.
Chickasaw 2 43

Through the Commissioner
of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAR 13 1902



ACTING CHAIRMAN.

L.R.S.

12970

J.P.
F.

I.T.D.1153 &
1101-1902

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

February 28, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

Your decision of January 25, 1902, rejecting the application for enrollment of Al, Lee, Charley, Molsey and Lula Wolder as citizens by blood of the Chickasaw Nation, case R 43, in accordance with the act of May 31, 1900 (31 Stat., 221), is hereby affirmed, as recommended by the Commissioner of Indian Affairs in letter of February 14.

Respectfully,

Thos. Ryan,
Acting secretary.
E.M.D.

COPY.

Muskogee, Indian Territory, March 13, 1902.

Messrs Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of February 28, 1902, affirmed the decision of the Commission, dated January 25, 1902, denying the application made by Al Helder for the enrollment of himself and his four minor children, Lee, Charley, Melsey and Lula Helder as citizens of the Chickasaw Nation.

Yours truly,

(SIGNED)

Commissioner in Charge.

cc.
Muskogee, Indian Territory, March 13, 1902.

Al Holder,

Marietta, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of February 28, 1902, affirmed the decision of the Commission, dated January 25, 1902, denying the application made by you for the enrollment of yourself and your four minor children, Lee, Charley, Melsey and Lula Holder as citizens of the Chickasaw Nation.

Yours truly,

RECORDED
Commissioner in Charge.

Chic R-44

Chic R-44

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
OKLAHOMA, I. T., JUNE 18th, 1900.

In the matter of the application of Mary Wear and minor children for enrollment as Chickasaws by blood, and she being sworn by Acting Chairman, Tams Bixby, testified as follows:

- Q What is your name? A. Mary Wear.
Q How old are you? A. Forty-two (42)
Q You make application for enrollment as a Chickasaw Indian by blood?
A Yes sir.
Q Do you apply for the enrollment of any one besides yourself?
A Yes sir, my children.
Q How many children? A. Three.
Q What are their names and ages? A. Rosa Wear, age 19, Blanche Wear, age 17 and Gertrude Wear, age 15.
Q Where do you live Mrs. Wear? A. Near Marietta.
Q In the Chickasaw Nation? A. Yes sir.
Q These three children are now living with you, are they?
A Yes sir.
Q They have always lived with you? A. Yes sir.
Q How long have you lived in the Chickasaw Nation? A. I have been here -- I came here last March a year ago; the 27th of March, 1899.
Q Where did you live prior to that time? A. In Lawrence County, Missouri.
Q How long did you live there? A. Eleven years.
Q Where did you live prior to that time? A. In Kansas.
Q How long did you live in Kansas? A. I do not know; we just lived on the line between the Osage country and Kansas; part of the house was in Kansas; part in the Osage country.
Q About how long did you live there? A. About four years.
Q Before you moved there, where did you live? A. Texas.
Q How long did you live there, before you moved to the Osage Country or Kansas? A. I was born and raised in Texas and lived there up to that time.
Q What is the name of your father? A. James Louis Helder.
Q Is he living? A. No sir.
Q When did he die? A. In time of the war, Civil War.
Q White man or Indian? A. Indian.
Q Chickasaw? (Chickasaw) A. Yes sir.
Q What proportion of Indian blood did he claim? A. One fourth.
Q What is your mother's name? A. Sarah Helder.
Q Is she living? A. No sir.
Q When did she die? A. About twenty-four or twenty-five years ago.
Q Was she a white woman? A. Yes sir.
Q What proportion of Chickasaw blood do you claim? A. One eighth.
Q Does your name appear upon any of the Chickasaw tribal rolls?
A No sir.
Q Have you ever applied to the Chickasaw tribal authorities for citizenship in that Nation? A. No sir.
Q Did you make application to this Commission in 1896 for citizenship in the Chickasaw Nation? A. No sir.
Q You have never been recognized by the Chickasaw tribal authorities as a citizen of the Chickasaw Nation? A. No sir.
Q Are you married? A. Yes sir.
Q When and where were you married? A. In 1876, in Denison, Texas.
Q What is the name of your husband? A. P. M. Wear.
Q Is he living? A. Yes sir.
Q Is he a white man or Indian? A. Yes sir, he is a white man.
Q Is that the only time you have been married? A. Yes sir.
Q These children are his children? A. Yes sir.
Q You make no claim for him? A. None at all.
Q Is there any additional statement in reference to your case you desire to make at this time? A. None that I know of.
Q Have you any papers you desire to file at this time?
A No sir, none at all.
A copy of the decision of the Commission in your case will be

furnished you in writing at a later date, mailed to your present
Postoffice address.

A. H. Graham, being first duly sworn, stated that as Special
Agent to the Commission to the Five Civilized Tribes, he reported
the foregoing case, and that the foregoing and above is a true, full
and correct transcript of his stenographic notes in said case.

A. H. Graham

Sworn to and subscribed before me this 26th day of June, 1901.


Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary Wear for the enrollment of herself and her three minor children, Ross, Blanche, and Gertrude Wear, as citizens by blood of the Chickasaw Nation.

DECISION.

It appears from the record in this case that on June 18, 1900, the applicant, Mary Wear, appeared before the Commission at Osbert, Indian Territory, and made application for the enrollment of herself and her three minor children, Ross Wear, Blanche Wear, and Gertrude Wear, as citizens by blood of the Chickasaw Nation.

It appears from the evidence offered in support of said application and examination of the tribal rolls of the Chickasaw Nation in the possession of the Commission that the applicants above named have never been enrolled as citizens of the Chickasaw Nation and that their names do not appear upon the tribal rolls of the Chickasaw Nation.

It further appears from an examination of the records in the possession of the Commission that these applicants have never been admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes, or the legally constituted authorities of the said Nation or the United States Court in Indian Territory on appeal in accordance with the act of Congress of June 18, 1900, (32 Stat., 821).

The act of Congress of June 18, 1900, (32 Stat., 495), provides:



"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 221), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is therefore the opinion of this Commission that Mary Wear and her three minor children, Rosa Wear, Blanche Wear and Gertrude Wear are not lawfully entitled to be enrolled as members of the Chickasaw Tribe of Indians in Indian Territory and that their application as such should be refused and it is so ordered.

The Commission to the Five Civilized Tribes.


COMMISSIONER.

COMMISSIONER.

Dated at Muskogee, Indian Territory,
this JAN 27 1902

CHICKASAW.

MEMORANDA.

(Date)

1899.

Name Mary Wear 1428 Marietta 2. J
 Choctaw? no County not on roll Year 1889 No.
 Chickasaw? yes County " " " Year 1896 Page
 Citizen by blood? yes Mother's citizenship U. S. ✓
 Intermarried citizen? no

Married under what law?

Licence filed this day

With name

Husband - P. M. Wear

Choctaw? no County U. S. Year No.

Chickasaw? no County Citizen Year no Page

Citizen by blood? no Mother's citizenship in

Intermarried citizen? no

Married under what law?

Licence filed this day

Names of children:

(19)	<u>Rosa</u>	County	Year	Page	No.
(17)	<u>Blanche</u>	County	Year	Page	No.
(15)	<u>Gertrude</u>	County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.

(father) - James L. Holder (DEAD)
 (mother) - Sarah Holder (DEAD)
 father claims $\frac{1}{4}$ Chick blood

C O P Y

Washogue, Indian Territory, January 27, 1902.

Mary Wear,

Marietta, Indian Territory,

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and your minor children, Rosa, Blanche and Gertrude Wear as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(signed) Tams Bixby.

Acting Chairman.

1 inclosure
Chickasaw N 44
Registered.

C O P Y

Muskogee, Indian Territory, January 27, 1902 .

Messrs. Vansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Mary Wear and her three minor children, Rosa, Blanche, and Gertrude Wear as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(signed) Tams Bixby.

Acting Chairman.

1 inclosure
Chickasaw R 44
Registered.

-Copy-

Muskogee, Indian Territory, January 27, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of the proceedings in the matter of the application for the enrollment of Mary Wear, Rosa Wear, Blanche Wear and Gertrude Wear as citizens of the Chickasaw Nation, including the decision of the Commission, dated January 27, 1902, refusing the application for the enrollment of Mary, Rosa, Blanche and Gertrude Wear as citizens of said nation.

Respectfully,

(Signed) Tams Bixby

Acting Chairman.

1 inclosure
Chickasaw R 44

Through the Commissioner of
Indian Affairs.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
P. I. B. I. D. I.
MAR 18 1902

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

P. O. NO. 3442-1401

D . C. No. 3776-1902.

(COPY

L. R. S.

12970

J. P.
P.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

I. T. D. 1110-1902.
1101-1902.

February 28, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Your decision of January 27, 1902, rejecting the application for enrollment of Mary, Rosa, Blanche and Gertrude Wear as citizens by blood of the Chickasaw Nation, case R 44 , in accordance with the act of May 31, 1900 (31 Stat., 221), is hereby affirmed, as recommended by the Commissioner of Indian Affairs in letter of February 14.

Respectfully,

Thos Ryan

Acting Secretary.

EMD

COPY.

Muskogee, Indian Territory, March 13, 1902.

Messrs Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior under date of February 28, 1902, affirmed the decision of the Commission, dated January 27, 1902, denying the application made by Mary Wear for the enrollment of herself and her minor children, Rosa, Blanche and Gertrude Wear as citizens of the Chickasaw Nation.

Yours truly,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

Chickasaw R. 44

COP

Muskogee, Indian Territory, March 13, 1902.

Mary Wear,

Marietta, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior under date of February 28, 1902, affirmed the decision of the Commission, dated January 27, 1902, denying the application made by you for the enrollment of yourself and your minor children, Rosa, Blanche and Gertrude Wear as citizens of the Chickasaw Nation.

Yours truly,

SIGNED. *T. B. Needles.*

Commissioner in Charge.

Chic. R. 45

Chic. R. 45

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I. T., June 18, 1900.

In the matter of the application of James W. Holder et al for enrollment as Chickasaws by blood; being sworn and examined by Acting Chairman Bixby he testifies as follows:

- Q What is your name? A James W. Holder.
Q What is your age? A Forty-seven.
Q What is your post-office address? A Marietta I. T.
Q How long have you lived in the Indian Territory? A About six years the last time I came here.
Q Have you been living here continuously six years? A Yes sir.
Q Have you been outside of the Territory during the past two years? A I have been out maybe, and come back, but I made that my home.
Q How long was you out during the last two years? A Only a week or something like that.
Q You haven't lived out there? A No sir.
Q Where did you come from to the Indian Territory? A I come from Texas.
Q Were you born in Texas? A I was born in Missouri.
Q Have you lived in Missouri and Texas most all of the time except the past six years? A Yes sir, all the time.
Q What is your father's name? A James Lewis Holder.
Q Is he living? A No sir.
Q Was he a Chickasaw Indian? A Yes sir.
Q What proportion of Chickasaw blood does he claim? A One-fourth.
Q Was his name ever on the Chickasaw roll? A No sir.
Q Was he ever recognized by the Chickasaw Tribal authorities as a Chickasaw? A I couldn't tell you; I was small when he died, and I couldn't tell you. I think ~~xxx~~ his mother's name and his sisters and brothers names are on the roll.
Q How did they get on the roll? A I couldn't tell you.
Q Don't you know that in the event they are enrolled or have been enrolled by this Commission it was by virtue of a judgment of the United States Court? A I think it was, yes sir.
Q What is your mother's name? A Sa llie Holder.
Q Is she living? A No sir.
Q Was she a white woman? A Yes sir.
Q What proportion of Chickasaw blood runs in your veins? A About one-eighth.
Q Was your name ever been upon the Tribal rolls of the Chickasaw Nation? A No sir.
Q Have you ever been recognized by the Tribal authorities as a Chickasaw Indian? A No sir.
Q Did you ever apply to the Tribal authorities of the Chickasaw Nation for enrollment as a Chickasaw Indian? A No sir.
Q Did you apply to the Dawes Commission in the year 1895? A No sir.
Q Is this your first application? A Yes sir.
Q What is the name of your son? A Lawrence.
Q How old is he? A Fifteen years old.
Q Does he live with you? A Yes sir.
Q His residence and post-office address has always been the same as yours has it? A Yes sir.
Q What is the name of his mother? A Lou.
Q Is she living? A No sir.
Q You were married to her? A Yes sir, in Sherman Texas.
Q Under Texas law? A Yes sir.
Q When was that? A It was about sixteen years ago.
Q Do you wish to offer your marriage license and certificate in evidence? A No I haven't got them.

James W. Holder et al #2

Q Is there any additional statement that you would like to make at this time? A I have got an uncle I will use as a witness.
Q Have you got any papers you wish to file? A No sir.

D. A. Holder being sworn and examined by Acting Chairman, Sixty-six, testifies as follows:

Q What is your name? A D. A. Holder.
Q What is your age? A Fifty-four.
Q Where do you live? A In the Chickasaw Nation.
Q How long have you lived here? A Sixteen years steady.
Q Do you know this applicant, J. W. Holder? A Yes sir.
Q Are you a relative of him? A Yes sir.
Q What relation are you to him? A He is my nephew.
Q State to this Commission what you know about his claim to citizenship in the Chickasaw Nation? A His grandmother was a half-breed Chickasaw Indian.
Q Do you think of anything else you want to state? A No sir, I guess not.

Applicant James W. Holder re-called;

Q Have you any papers you want to file? A No sir.

The enrollment of yourself and your son as Chickasaw Indians by blood is refused, for the reason that your names do not appear upon the Tribal rolls of the Chickasaw Nation now in the possession of this Commission, and for the additional reason that it appears from the testimony in this case and the records that you or either of you have ever been recognized by the lawfully constituted authorities as Chickasaw Indians by blood, and neither you nor your son were admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes when acting under the law of June 10th, 1896, or by a judgment of the United States Court in the Indian Territory.

H. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case, and that the above and foregoing is a full, true and complete transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 21 day of June 1900.

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I. T., June 18, 1900.

In the matter of the application of James W. Holder et al for enrollment as Chickasaws by blood; being sworn and examined by Acting Chairman Bixby he testifies as follows:

- Q What is your name? A James W. Holder.
Q What is your age? A Forty-seven.
Q What is your post-office address? A Marietta I. T.
Q How long have you lived in the Indian Territory? A About six years the last time I came here.
Q Have you been living here continuously six years? A Yes sir.
Q Have you been outside of the Territory during the past two years? A I have been out maybe, and come back, but I made that my home.
Q How long was you out during the last two years? A Only a week or something like that.
Q You haven't lived out there? A No sir.
Q Where did you come from to the Indian Territory? A I come from Texas.
Q Were you born in Texas? A I was born in Missouri.
Q Have you lived in Missouri and Texas most all of the time except the past six years? A Yes sir, all the time.
Q What is your father's name? A James Lewis Holder.
Q Is he living? A No sir.
Q Was he a Chickasaw Indian? A Yes sir.
Q What proportion of Chickasaw blood does he claim? A One-fourth.
Q Was his name ever on the Chickasaw roll? A No sir.
Q Was he ever recognized by the Chickasaw Tribal authorities as a Chickasaw? A I couldn't tell you; I was small when he died, and I couldn't tell you. I think ~~was~~ his mother's name and his sisters and brothers names are on the roll.
Q How did they get on the roll? A I couldn't tell you.
Q Don't you know that in the event they are enrolled or have been enrolled by this Commission it was by virtue of a judgment of the United States Court? A I think it was, yes sir.
Q What is your mother's name? A Sa llie Holder.
Q Is she living? A No sir.
Q Was she a white woman? A Yes sir.
Q What proportion of Chickasaw blood runs in your veins? A About one-eighth.
Q Was your name ever been upon the Tribal rolls of the Chickasaw Nation? A No sir.
Q Have you ever been recognized by the Tribal authorities as a Chickasaw Indian? A No sir.
Q Did you ever apply to the Tribal authorities of the Chickasaw Nation for enrollment as a Chickasaw Indian? A No sir.
Q Did you apply to the Dawes Commission in the year 1896? A No sir.
Q Is this your first application? A Yes sir.
Q What is the name of your son? A Lawrence.
Q How old is he? A Fifteen years old.
Q Does he live with you? A Yes sir.
Q His residence and post-office address has always been the same as yours has it? A Yes sir.
Q What is the name of his mother? A Lou.
Q Is she living? A No sir.
Q You were married to her? A Yes sir, in Sherman Texas.
Q Under Texas law? A Yes sir.
Q When was that? A It has been about sixteen years ago.
Q Do you wish to offer your marriage license and certificate in evidence? A I haven't got them.

James W. Holder et al 23

Q Is there any additional statement that you would like to make at this time? A I have got an uncle I will use as a witness.

Q Have you got any papers you wish to file? A No sir.

D. A. Holder being sworn and examined by Acting Chairman Bixby, testifies as follows:

Q What is your name? A D. A. Holder.

Q What is your age? A Fifty-four.

Q Where do you live? A In the Chickasaw Nation.

Q How long have you lived here? A Sixteen years steady.

Q Do you know this applicant, J. W. Holder? A Yes sir.

Q Are you a relative of his? A Yes sir.

Q What relation are you to him? A He is my nephew.

Q State to this Commission what you know about his claim to citizenship in the Chickasaw Nation? A His grandmother was a half-breed Chickasaw Indian.

Q Do you think of anything else you want to state? A No sir, I guess not.

Applicant James W. Holder recalled.

Q Have you any papers you want to file? A No sir.

The enrollment of yourself and your son as Chickasaw Indians by blood is refused, for the reason that your names do not appear upon the Tribal rolls of the Chickasaw Nation now in the possession of this Commission, and for the additional reason that it appears from the testimony in this case and the records that you or either of you have ever been recognized by the lawfully constituted authorities as Chickasaw Indians by blood, and neither you nor your son were admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes when acting under the law of June 10th, 1896, or by a judgment of the United States Court in the Indian Territory.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case, and that the above and foregoing is a full, true and complete transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 30 day of June 1900.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James W. Holder for the enrollment of himself and his minor child, Lawrence Holder, as citizens by blood of the Chickasaw Nation.

D E C I S I O N .

It appears from the record in this case that on June 18, 1900, the applicant, James W. Holder, appeared before the Commission at Colbert, Indian Territory, and made application for the enrollment of himself and his minor child, Lawrence Holder, as citizens by blood of the Chickasaw Nation,

It appears from the evidence offered in support of said application and examination of the tribal rolls of the Chickasaw Nation in the possession of the Commission that the applicants above named have never been enrolled as citizens of the Chickasaw Nation and that their names do not appear upon the tribal rolls of the Chickasaw Nation.

It further appears from an examination of the records in the possession of the Commission that these applicants have never been admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes, or the legally constituted authorities of the said Nation or the United States Court in Indian Territory on appeal in accordance with the act of Congress of June 10, 1896, (29 Stats., 321).

The act of Congress of June 23, 1896, (29 Stats., 495), provides:

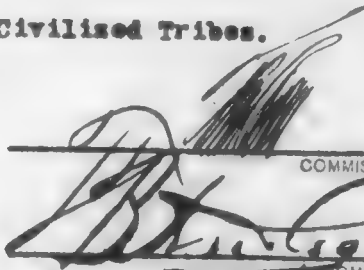
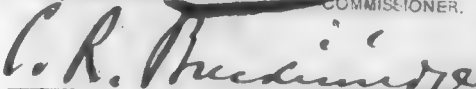
"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 221), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is therefore the opinion of this Commission that James W. Holder and his minor child, Lawrence Holder, are not lawfully entitled to be enrolled as members of the Chickasaw Tribe of Indians in Indian Territory and that their application as such should be refused and it is so ordered.

The Commission to the Five Civilized Tribes.


COMMISSIONER.

C. R. Buckmaster
COMMISSIONER.

Dated at Muskogee, Indian Territory,
this JAN 27 1902

REFUSED.

JUN 18 1900

MEMORANDA.

JUN 18 1900

Name James M. Holder (Date) 1-7 Marietta, I.T.
Choctaw _____ County _____ Year _____ No. _____
Chickasaw? yes County _____ Year _____ Page _____
Citizen by blood? yes (1/8) Mother's citizenship (n.s.)
Intermarried citizen? _____

Married under what law? _____

License filed this day _____

Wife's name, Lou Holder Dead

Choctaw? _____ County _____ Year _____ No. _____

Chickasaw? _____ County _____ Year _____ Page _____

Citizen by blood? _____ Mother's citizenship _____

Intermarried citizen? _____

Married under what law? _____

License filed this day _____

Names of children:

15. Laurence (M) _____
County _____ Year _____ Page _____ No. _____
County _____ Year _____ Page _____ No. _____
County _____ Year _____ Page _____ No. _____
County _____ Year _____ Page _____ No. _____
County _____ Year _____ Page _____ No. _____
County _____ Year _____ Page _____ No. _____
County _____ Year _____ Page _____ No. _____
County _____ Year _____ Page _____ No. _____
County _____ Year _____ Page _____ No. _____
County _____ Year _____ Page _____ No. _____
County _____ Year _____ Page _____ No. _____
County _____ Year _____ Page _____ No. _____

(Father) James L. Holder (1/4) Dead
(Mother) Sallie Holder Dead

-Copy-

Muskogee, Indian Territory, January 27, 1902.

James W. Holder,

Marietta, Indian Territory,

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and your minor child Lawrence Holder as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(Signed) Tams Bixby

Acting Chairman.

1 inclosure
Chickasaw R 45
Registered.

COPY

Muskogee, Indian Territory, January 27, 1903.

Messrs. Mansfield, McMurtry & Cornish,

Attorneys for the Cherokee and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of James V. Holder and his minor child, Lawrence Holder as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(signed) Tams Dixby

Acting Chairman.

1 inclosure
Chickasaw N 45
Registered.

Muskogee, Indian Territory, January 27, 1902 .

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of James W. Holder and Lawrence Holder as citizens of the Chickasaw Nation, including the decision of the Commission, dated January 27, 1902, refusing the application for the enrollment of James W. Holder and Lawrence Holder as citizens of said nation.

Respectfully,

Acting Chairman.

1 inclosure
Chickasaw R 45

Through the Commissioner
of Indian Affairs.

B. B. No. 3777-1902.

(COPY)

L. R. S.

12970

J. P.

F.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I.T.D.1108 &
1101-1902.

February 28, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Your decision of January 27, 1902, rejecting the application for enrollment of James W. and Lawrence Holder as citizens by blood of the Chickasaw Nation, case R 45, in accordance with the act of May 31, 1900 (31 Stat., 221), is hereby affirmed, as recommended by the Commissioner of Indian Affairs in letter of February 14.

Respectfully,

Thos Ryan

Acting Secretary.

RECEIVED

Chickasaw R 45

COP.

Muskogee, Indian Territory, March 13, 1902.

Messrs Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior under date of February 26, 1902, affirmed the decision of the Commission, dated January 27, 1902, denying the application made by you for the enrollment of James W. Holder and his minor son, Lawrence Holder, as citizens of the Chickasaw Nation.

Yours truly,

(SIGNED) *I. D. Noddies.*

Commissioner in Charge.

COPY.

Waskage, Indian Territory, March 13, 1902.

James V. Holder,

Marietta, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of February 28, 1902, affirmed the decision of the Commission, dated January 27, 1902, denying the application made by you for the enrollment of yourself and your minor son, Lawrence Holder as citizens of the Chickasaw Nation.

Yours truly,

(SIGNED)

T. B. Needles

Commissioner in Charge.

Chic. R-46

Chic. R-46

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I. T., June 14, 1900.

In the matter of the application of George Albert Baxter for enrollment as an intermarried Chickasaw and for the enrollment of his children as Chickasaws by blood, being sworn and examined by Acting Chairman Bixby he testifies as follows:

- Q What is your name? A George Albert Baxter.
Q What is your age? A Forty-seven.
Q What is your post-office address? A Marietta, I. T.
Q How long have you lived in the Indian Territory? A I have lived here thirteen years.
Q You have been living here for the past two years continuously?
A I haven't been out of it for thirteen years.
Q Are you a white man? A Yes sir.
Q Did you ever claim to be an Indian yourself? A No sir.
Q What is your father's name? A Levi.
Q Is he living? A No sir.
Q What is your mother's name? A Nancy.
Q Is she living? A No sir.
Q When did you marry? A In 1876.
Q Where? A San Saba, Texas.
Q Who did you marry? A Nancy Holder.
Q Were you married under Texas law? A Yes sir.
Q You didn't procure a Chickasaw license and marry under Chickasaw law? A No sir. I did not; I knowed nothing about the Chickasaw license at that time.
Q Was the woman you married a recognized citizen of the Chickasaw Nation at that time? A No sir.
Q Her name had never been on the Chickasaw rolls had it? A Not that I know of, no sir.
Q Do you know whether she ever applied to the Tribal authorities for enrollment? A No sir.
Q How long has she been dead? A Four years.
Q You never have applied to the Tribal authorities for enrollment as an intermarried Chickasaw? A No sir, never have.
Q Did you apply to the Dawes Commission in 1896? A Never have.
Q Is this your first application? A Yes sir.
Q What are the names and ages of your children? A William Albert, nineteen; Chester Arthur, sixteen; James Nathaniel, thirteen; Thomas Herman, ten.
Q These children all live with you? A Yes sir.
Q Has their post-office address and residence always been the same as your own? A All except my oldest son was here at Colbert about a couple of months this spring.
Q What is William Albert's age? A Ten sir.
Q He is living with you now is he? A Yes sir.
Q Is there any additional statement in regard to your case that you would like to make at this time? A No sir, believe not.
Q Have you your marriage license and certificate? A I haven't.
Q Have you got any papers you would like to show? A No sir.

Your enrollment as an intermarried citizen of the Chickasaw Nation is recommended, for the reason that you have been living in the Indian Territory for thirteen years and your children are living with you.

George Albert Baker et al #2

It appears it appears from the testimony that you were not married to a recognized citizen of the Chickasaw Nation under Chickasaw law. And the enrollment of your children is refused, for the reason that their names do not appear upon the Tribal rolls of the Chickasaw Nation now in the possession of this Commission, and for the further reason that it appears from the testimony and the record that they have never been recognized by the lawfully constituted tribal authorities as of the Chickasaw Nation as Chickasaw Indian blood, and they were not admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes under the Act of Congress of June 10th 1896 or by a judgment of the United States Court in the Indian Territory.

M. J. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case, and that the above and foregoing is a full, true and complete transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 20 day of July 1900.


J. H. Smith,
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of George Albert Baxter for enrollment as an intermarried citizen of the Chickasaw Nation and for the enrollment of his four minor children, William Albert, Chester Arthur, James Nathaniel and Thomas Herman Baxter, as citizens by blood of the Chickasaw Nation.

D E C I S I O N .

It appears from the record in this case that on June 18, 1900, the applicant, George Albert Baxter, appeared before the Commission at Colbert, Indian Territory, and made application for enrollment as an intermarried citizen of the Chickasaw Nation, and for the enrollment of his four minor children, William Albert Baxter, Chester Arthur Baxter, James Nathaniel Baxter and Thomas Herman Baxter, as citizens by blood of the Chickasaw Nation.

It appears from the evidence offered in support of said application and examination of the tribal rolls of the Chickasaw Nation in the possession of the Commission that the applicants above named have never been enrolled as citizens of the Chickasaw Nation and that their names do not appear upon the tribal rolls of the Chickasaw Nation.

It further appears from an examination of the records in the possession of the Commission that these applicants have never been admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes, or the legally constituted authorities of the said Nation or the United States Court in Indian Territory, on appeal in accordance with the Act of Congress of June 10, 1896, (29 Stat., 321.)

The act of Congress of June 28, 1898, (30 Stats., 495), provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

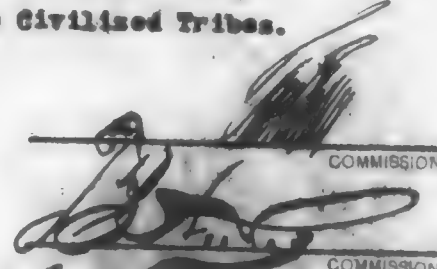
The act of Congress of May 31, 1900, (31 Stats., 221), provides:


"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It further appears that George Albert Baxter claims to be a citizen of the Chickasaw Nation by reason of his marriage to Amanda Baxter, now deceased, who was not a recognized citizen of the said Nation and that he was not married to the said Amanda Baxter in conformity with the laws of said nation.

It is therefore the opinion of this Commission that George Albert Baxter and his four minor children, William Albert Baxter, Chester Arthur Baxter, James Nathaniel Baxter and Thomas Herman Baxter are not lawfully entitled to be enrolled as members of the Chickasaw Tribe of Indians in Indian Territory and that their application as such should be refused and it is so ordered.

The Commission to the Five Civilized Tribes.



COMMISSIONER.


COMMISSIONER.

Dated at Muskogee, Indian Territory,

this

JAN 27 1902

REFUSED.

(Inter-marriage)
MEMORANDA.

JUN 18 1900

JUN 18 1900

(Date)

Name Geo. A. Baxter Marietta, I. T.

Choctaw? County Year No.

Chickasaw? Yes County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen? (yes)

Married under what law?

License filed this day,

Wife's name, Amanda Baxter Dead

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

	County	Year	Page	No.
19. William A. (m)	Chickasaw			
16. Chester A. (m)	Chickasaw			
13. James N. (m)	Chickasaw			
10. Thomas H. (m)	Chickasaw			
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

(Father) Levi Baxter Dead
(Mother) Nancy Baxter Dead

-Copy-

Muskogee, Indian Territory, January 27, 1902.

George Albert Baxter,

Marietta, Indian Territory,

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and your four minor children, William Albert, Chester Arthur, James Nathaniel and Thomas Herman Baxter, as citizens of the Chickasaw Nation.

The decision, with the copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(Signed) Tams Bixby

Acting Chairman.

1 inclosure
Chickasaw R 46
Registered

-Copy- |

Muskogee, Indian Territory, January 27, 1902.

Messrs Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of George Albert Baxter and his four minor children, William Albert Baxter, Chester Arthur Baxter, James Nathaniel Baxter and Thomas Harman Baxter, as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(Signed) Tams Bixby

Acting Chairman.

1 inclosure
Chickasaw R 46
Registered.

-Copy-

Muskogee, Indian Territory, January 27, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by George Albert Baxter for the enrollment of himself and his four minor children, William Albert, Chester Arthur, James Nathaniel and Thomas Herman Baxter, as citizens of the Chickasaw Nation, including the decision of the Commission, dated January 27, 1902, refusing the application for the enrollment of George Albert, William Albert, Chester Arthur, James Nathaniel and Thomas Herman Baxter, as citizens of said nation.

Respectfully,

(Signed) Tams Bixby.

Acting Chairman.

1 inclosure
Chickasaw N 46

Through the Commissioner
of Indian Affairs.

D. C. No. 5771-1902.

(COPY)

L. R. S.

12970

J. P.

F.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I.T.D.1152 &
1101-1902.

February 23, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Your decision of January 27, 1902, rejecting the application for enrollment of George Albert Baxter as an intermarried citizen of the Chickasaw Nation, and that of his minor children, William Albert, Chester Arthur, James Nathaniel and Thomas Herman Baxter, as citizens by blood of the said nation, in accordance with the act of May 31, 1900 (31 Stat., 221), case 2 46, is hereby affirmed as recommended by the Commissioner of Indian Affairs February 14, 1902.

Respectfully,

Thos Ryan

Acting Secretary.

ED

NOTHING SECRETED

THE SECRET

NOTHING SECRETED

NOTHING SECRETED

NOTHING SECRETED

NOTHING SECRETED

NOTHING SECRETED

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NOTHING SECRETED

NOTHING SECRETED

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAR 18 1902

[Signature]

ACTING CHAIRMAN

NOTHING SECRETED

NOTHING SECRETED

NOTHING SECRETED

D. C. No. 3771-1902.

(COPY)

L. R. S.

12970

J. P.

P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I.T.D.1152 &
1101-1902.

February 28, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Your decision of January 27, 1902, rejecting the application for enrollment of George Albert Baxter as an intermarried citizen of the Chickasaw Nation, and that of his minor children, William Albert, Chester Arthur, James Nathaniel and Thomas Harman Baxter, as citizens by blood of the said nation, in accordance with the act of May 31, 1900 (31 Stat., 221), case R 45, is hereby affirmed as recommended by the Commissioner of Indian Affairs February 14, 1902.

Respectfully,

Thos Ryan

Acting Secretary.

YMD

Chickasaw R 40

COPY.

Muskogee, Indian Territory, March 13, 1902.

Messrs Mansfield, Malmurray & Gernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior under date of February 28, 1902, affirmed the decision of the Commission, dated February 27, 1902, denying the application made by George Albert Baxter for the enrollment of himself and his minor children, William Albert, Chester Arthur, James Nathaniel and Thomas Herman Baxter as citizens of the Chickasaw Nation.

Yours truly,

(Signed) *I. B. Needles*

Commissioner in Charge.

COPY

Waskogie, Indian Territory, March 13, 1902.

George Albert Baxter,

Marietta, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of February 28, 1902, affirmed the decision of the Commission, dated January 27, 1902, denying the application made by you for the enrollment of yourself and your minor children, William Albert, Chester Arthur, James Nathaniel and Thomas Herman Baxter as citizens of the Chickasaw Nation.

Yours truly,

(SIGNED) *I. B. McCallie.*

Commissioner in Charge.

Muskogee, Indian Territory, October 11, 1904.

Commission to the Five Civilized Tribes,

Allotment Contest Division.

General Office.

Gentlemen:-

Receipt is hereby acknowledged of your letter of the 8th instant, requesting to be advised whether or not W. A. Baxter is an applicant for enrollment as a citizen of the Choctaw or Chickasaw Nation or for identification as a Mississippi Choctaw.

You are advised it appears from the records of the Choctaw-Chickasaw Enrollment Division that George A. Baxter and his family consisting of William A., Chester A., James M., and Thomas W. Baxter made application to this Commission June 18, 1900 for enrollment as citizens by blood of the Chickasaw Nation. On January 27, 1902 the Commission rendered its judgment refusing the enrollment of said applicants as citizens by blood of the Chickasaw Nation and on February 28, 1902 the action of the Commission was approved by the Secretary of the Interior.

Respectfully,

Chairman.

Chic. R-47

Chic. R-47

1

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
COLBERT, I. T., JUNE 18th, 1900.

In the matter of the application of Sally Bradley and minor children for enrollment as citizens of the Chickasaw Nation, and Sally Bradley, being sworn by Acting Chairman, Tams Bixby, testified as follows:

- Q What is your name? A Sally Bradley.
Q What is your age? A. Twenty-nine (29)
Q You make application for enrollment as a Chickasaw Indian do you claim for any one besides yourself? A. Myself and children.
Q Where do you live? A. Marietta, Indian Territory.
Q Chickasaw Nation? A. Yes sir.
Q How long have you lived in the Chickasaw Nation?
A About fifteen (15) years.
Q Where did you live before you came to the Chickasaw Nation?
A In Texas.
Q How long did you live in Texas? A I do not know how long I did live there in one place; I was born in Texas.
Q Never lived any where except Texas and the Indian Territory?
A That is all.
Q What proportion of Chickasaw blood you claim? A. One sixteenth.
Q What is the name of your father? A. John Tate.
Q Is he living? A. No sir.
Q When did he die? A. He has been dead since 82.
Q Was he a Chickasaw Indian or white man? A White man.
Q What is the name of your mother? A Polly Ann Quick.
Q Is she living? A. Yes sir.
Q Where does she live? A. Near Marietta.
Q In the Chickasaw Nation? A. Yes sir.
Q How long has she lived there? A. She has lived at that one place about five years; she has been in the Nation about fifteen.
Q Is she a white woman or a Chickasaw? A Chickasaw.
Q What proportion of Chickasaw blood does she claim? A. One eighth.
Q Does her name appear upon any of the Chickasaw tribal rolls?
A No sir.
Q Was your mother ever recognized by the the Chickasaw tribal authorities as a Chickasaw Indian? A. No sir.
Q Does ~~her name~~ your name appear on any of the Chickasaw tribal rolls? A. No sir.
Q You have never been recognized by the Chickasaw tribal authorities as a Chickasaw, have you? A. No sir.
Q You never made application to the Chickasaw tribal authorities for citizenship in that Nation, did you? A. No sir, we went once before the Committee, but we could not get in; we got disgusted like we like to this time, and went home.
Q I am speaking of the Chickasaw tribal authorities; did you ever apply to them for enrollment as a Chickasaw citizen? A. No sir.
Q Did you apply to the Commission to the Five Civilized Tribes in the year 1896 for citizenship in the Chickasaw Nation? A. No sir.
Q Are you married? A. Yes sir.
Q What is the name of your husband? A. Jonas Bradley.
Q Do you make any claim for him? A. No sir.
Q Is he a white man? A. Yes sir.
Q Have you any children? A. Yes sir.
Q You make application for the, do you? A. Yes sir.
Q What are their names and ages? A. Jesse Bradley, the eldest, eight years old; Ethal Bradley, six years old and Rosa Bradley, five years old.
Q They are your children by Jonas Bradley, are they? A. Yes sir.
Q Their claim has the same foundation as yours? A. Yes sir.
Q Have you lived outside of the Cherokee and Chickasaw Nations with in the last two years? A. No sir.
Q Are you sure of that? A. Yes sir.
Q Is there any additional statement in reference to your case

you desire to make at this time? A. No sir.

Q Have you any papers you desire to file in connection with your case? A. No sir.

A copy of the decision of the Commission with reference to your application for yourself and minor children will be furnished you at a later date, mailed to you at your present Post-office address.

R. R. Cravens, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing case, and that the foregoing and above is a true, full and correct transcript of his stenographic notes in said case.

R. R. Cravens

Sworn to and subscribed before me this 26th day of June, 1900.



NOTARY PUBLIC.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Sally Bradley for the enrollment of herself and her three minor children, Jesse, Ethel and Rosa Bradley, as citizens by blood of the Chickasaw Nation.

D E C I S I O N .

It appears from the record in this case that on June 18, 1900, Sally Bradley appeared before the Commission at Colbert, Indian Territory, and made application for the enrollment of herself and her three minor children, Jesse Bradley, Ethel Bradley and Rosa Bradley, as citizens by blood of the Chickasaw Nation.

It appears from the evidence offered in support of said application and examination of the tribal rolls of the Chickasaw Nation in the possession of the Commission that the applicants above named have never been enrolled as citizens of the Chickasaw Nation and that their names do not appear upon the tribal rolls of the Chickasaw Nation.

It further appears from an examination of the records in the possession of the Commission that these applicants have never been admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes, or the legally constituted authorities of the said Nation or the United States Court in Indian Territory on appeal in accordance with the act of Congress of June 10, 1896, (29 Stats., 321).

The act of Congress of June 28, 1898, (30 Stats., 498), provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have

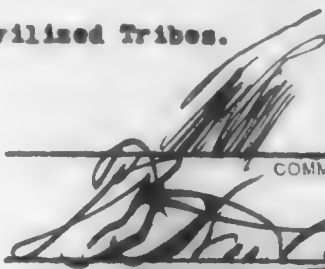
been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."


The act of Congress of May 31, 1900, (31 stats., 221), provides:

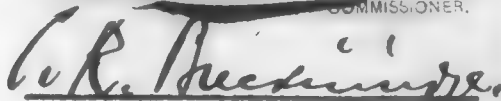
"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is therefore the opinion of this Commission that Sally Bradley and her three minor children, Jesse Bradley, Ethel Bradley and Rosa Bradley, are not lawfully entitled to be enrolled as members of the Chickasaw Tribe of Indians in Indian Territory and that their application as such should be refused and it is so ordered.

The Commission to the Five Civilized Tribes.



COMMISSIONER.


COMMISSIONER.


COMMISSIONER.

Dated at Muskogee, Indian Territory,
this JAN 27 1902

MEMORANDA.

1900

(Date) June 15 1899

Name Sally Bradley (29) - Mckrretts, D.C.
 Choctaw? no County not on roll Year 1882 No.
 Chickasaw? yes County " Year 1896 Page
 Citizen by blood? yes (1/8) Mother's citizenship CHICKASAW. (1/8)
 Intermarried citizen? no

Married under what law?

License filed this day,

Wife's name, (Husband) - Jonas Bradley

Choctaw? no County Year No.
 Chickasaw? no County Year Page
 Citizen by blood? no Mother's citizenship
 Intermarried citizen? no

Married under what law?

License filed this day

Names of children:

(8) Jesse (son) County Year Page No.
 (4) Ethel County Year Page No.
 (5) Rosa County Year Page No.
 County Year Page No.
 County Year Page No.
 County Year Page No.
 County Year Page No.
 County Year Page No.
 County Year Page No.
 County Year Page No.

CHICKASAW.

(Father) - John Tate - (DEAD) (U.S.)

(Mother) - Polly Ann Quick (CHICKASAW 1/8)

-Copy-

Muskogee, Indian Territory, January 27, 1902.

Sally Bradley,

Marietta, Indian Territory.

Dear Madame:

There is herewith enclosed you a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and your minor children, Jesse Bradley, Ethel Bradley and Rosa Bradley, as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(Signed) Tams Bixby

Acting Chairman.

1 enclosure.
Chickasaw N 47.
Registered.

-Copy-

Muskogee, Indian Territory, January 27, 1902.

Messrs. Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Sally Bradley and her minor children, Jesse Bradley, Ethel Bradley and Rosa Bradley, as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(Signed) Tams Bixby

Acting Chairman.

1 enclosure.
Chickasaw E 47.
Registered.

-Copy-

Muskogee, Indian Territory, January 27, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by Sally Bradley for the enrollment of herself and her minor children, Jesse, Ethel and Rosa Bradley, as citizens of the Chickasaw Nation, including the decision of the Commission, dated January 27, 1902, refusing the application for the enrollment of Sally, Jesse, Ethel and Rosa Bradley as citizens of said nation.

Respectfully,

(Signed) Tams Bixby

Acting Chairman.

1 inclosure
Chickasaw R 47

through the Commissioner
of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 18 1902


ACTING CHAIRMAN.

12970

L.R.S.

J.P.
F.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

I.T.D. 1128 &
1101-1902.

February 28, 1902.

Commission to the five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

Your decision of January 27, 1902, rejecting the application for enrollment of Sally, Jesse, Ethel and Rosa Bradley as citizens by blood of the Chickasaw Nation, case R 47, in accordance with the act of May 31, 1900 (31 Stat., 221), is hereby affirmed, as recommended by the Commissioner of Indian Affairs in letter of February 14.

Respectfully,

Thos. Ryan
Acting Secretary.
E.M.D.

COPY.

Muskogee, Indian Territory, March 13, 1902.

Messrs Mansfield, McMurray & Gernish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of February 28, 1902, affirmed the decision of the Commission, dated January 27, 1902, denying the application made by Sally Bradley for the enrollment of herself and her three minor children, Jesse, Ethel and Rosa Bradley, as citizens of the Chickasaw Nation.

Yours truly,

(SIGNED) J. M. G. [illegible]

Commissioner in Charge.

Enclosure 2 of 1

COPY

Muskogee, Indian Territory, March 10, 1902.

Billy Bradley,

Christina, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of February 20, 1902, affirmed the decision of the Commission, dated January 27, 1902, denying the application made by you for the enrollment of yourself and your three minor children, James, Ethel and Ross Bradley, as citizens of the Chickasaw Nation.

Yours truly,

610380

Commissioner in Charge.

Chic. R-48

Chic. R. 48

Department of the Interior,
Commission to the Five Civilized Tribes,
Oolbert, I. T., June 18, 1900.

In the matter of the application of Minnie Nelson et al for enrollment as Chickasaws by blood; being sworn and examined by Acting Chairman Bixby she testifies as follows:

- Q What is your name? A Minnie Nelson.
Q What is your age? A Twenty-three.
Q What is your post-office address? A Muskula.
Q How long have you lived in the Chickasaw Nation? A I don't know exactly; I have been living here a long time, ever since I was a child.
Q You are living in the Chickasaw Nation ain't you? A Yes sir.
Q Where did you live before you came to the Chickasaw Nation?
A In Kansas.
Q Were you born in Kansas? A Yes sir.
Q Have you been living outside of the Chickasaw Nation during the past two years? A None only in the Creek Nation.
Q Are you living in the Creek Nation now? A Yes sir.
Q How long have you been living up there? A About five years.
Q You stated a minute ago that you was living in the Chickasaw Nation? A I have been living in the Chickasaw all my life.
Q You haven't lived in the Chickasaw all your life if you lived five years in the Creek Nation have you? A That is since I have been married.
Q What is the name of your father? A George Baxter.
Q Is he living? A Yes sir.
Q Is he a Chickasaw Indian? A No sir.
Q White man? A Yes sir.
Q What is the name of your mother? A Handy Holder, before she was married.
Q Is she living? A No sir.
Q Was she a Chickasaw Indian? A Yes sir.
Q What proportion of Chickasaw blood did she have? A I don't know.
Q Did you ever hear? A I heard, but I have forgot.
Q Was her name on the Tribal rolls when she was alive? A I don't know.
Q Was she ever recognized by the Tribal authorities as a Chickasaw Indian? A Not that I ever knowed of.
Q How much Chickasaw blood do you claim to have in your veins?
A One-sixteenth.
Q Has your name ever been on the Tribal rolls? A No sir.
Q Have you ever been recognized by the Tribal authorities as a Chickasaw Indian? A No sir.
Q Did you ever apply to the Tribal authorities for enrollment as a Chickasaw Indian? A No sir.
Q Did you apply to the Dawes Commission in the year 1899?
A No sir.
Q Is this your first application? A Yes sir.
Q Are you married? A Yes sir.
Q What is the name of your husband? A T.M. Nelson.
Q He is a white man? A He is a Creek Indian.
Q Where did you marry him? A In Texas.
Q Under Texas law? A Yes sir.
Q Have you got your marriage license and certificate with you?
A No sir.

Acting Chairman Bixby: It will not be necessary for you to file that.

- Q Are your children living at home with you? A Yes sir.
Q Their post-office address and residence has always been the same as your own? A Yes sir.
Q Your oldest child is named Dora Etta Nelson, nine years old; Willie Nell, eight; Helen Ellen, six; William Newton, four. A Yes sir.

Minnie Nelson et al #2

- Q These are all your children? A Yes sir.
Q You apply for them as Chickasaws by blood do you? A Yes sir.
Q Is there any additional statement in regard to your case that you would like to make at this time? A Not that I know of.
Q Have you any papers you want to file with the Commission?
A I have no papers at all.

The enrollment of yourself and your children as Chickasaw Indians by blood is refused, for the reason that your names do not appear upon the Tribal rolls of the Chickasaw Nation now in the possession of this Commission; for the further reason that it appears from the testimony and the records that you have never been recognized by the Tribal authorities as Chickasaw Indians by blood and neither you nor your children were admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes under the Act of Congress of June 10th 1896, or by a judgment of the United States Court in the Indian Territory.

W.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case, and that the above and foregoing is a full, true and complete transcript of his stenographic notes taken in said case.

W.D. Green

Subscribed and sworn to before me this 30 day of June 1900.

[Signature]
Acting Chairman.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Minnie Nelson for the enrollment of herself and her four minor children, Dora Etta, Lillie Bell, Rosa Ellen and William Monroe Nelson, as citizens by blood of the Chickasaw Nation.

DECISION.

It appears from the record in this case that on June 18, 1900, the applicant, Minnie Nelson, appeared before the Commission at Colbert, Indian Territory, and made application for the enrollment of herself and her four minor children, Dora Etta Nelson, Lillie Bell Nelson, Rosa Ellen Nelson and William Monroe Nelson, as citizens by blood of the Chickasaw Nation.

It appears from the evidence offered in support of said application and examination of the tribal rolls of the Chickasaw Nation in the possession of the Commission that the applicants above named have never been enrolled as citizens of the Chickasaw Nation and that their names do not appear upon the tribal rolls of the Chickasaw Nation.

It further appears from an examination of the records in the possession of the Commission that these applicants have never been admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes, or the legally constituted authorities of the said Nation or the United States Court in Indian Territory on appeal in accordance with the act of Congress of June 18, 1900, (32 Stat., 344).

The act of Congress of June 28, 1898, (30 Stats., 495), provides:

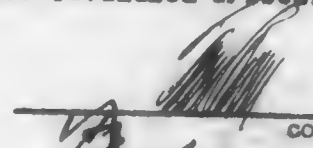
"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

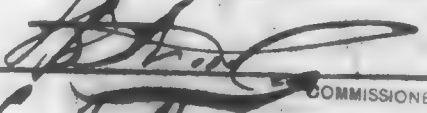
The act of Congress of May 31, 1900, (31 Stats., 221), provides:

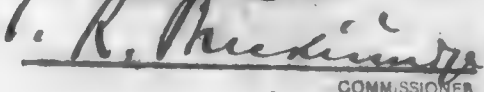
"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is therefore the opinion of this Commission that Minnie Nelson and her four minor children, Dora Etta Nelson, Lillie Bell Nelson, Rosa Ellen Nelson and William Monroe Nelson, are not lawfully entitled to be enrolled as members of the Chickasaw Tribe of Indians in Indian Territory and that their application as such should be refused and it is so ordered.

The Commission to the Five Civilized Tribes.



COMMISSIONER.


COMMISSIONER.


COMMISSIONER.

Dated at Muskogee, Indian Territory,
this JAN 27 1902

C o p y

Muskogee, Indian Territory, January 27, 1908.

Minnie Nelson,

Musaula, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and your four minor children, Dora Elita, Lillie Bell, Rosa Milan and William Monroe Nelson, as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(signed) Tams Bixby

Acting Chairman.

1 Enclosure
Chickasaw N. 40
Registered

C o p y

Muskogee, Indian Territory, January 27, 1902

Messrs, Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Minnie Nelson and her four minor children, Dora Etta Nelson, Lillie Bell Nelson, Rosa Ellap Nelson and William Monroe Nelson, as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(signed) Tams Bixby

Acting Chairman.

1 inclosure
Chickasaw R 48
Registered.

C o p y
Muskogee, Indian Territory, January 27, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by Minnie Nelson for the enrollment of herself and her minor children, Dora Etta Nelson, Lillie Bell Nelson, Rosa Ellen Nelson and William Monroe Nelson, as citizens of the Chickasaw Nation, including the decision of the Commission, dated January 27, 1908, refusing the application for the enrollment of Minnie Nelson and her minor children, Dora Etta Nelson, Lillie Bell Nelson, Rosa Ellen Nelson and William Monroe Nelson, as citizens of said nation.

Respectfully,

(signed) Tams Bixby

Acting Chairman,

1 inclosure
Chickasaw R 48

Through the Commission of
Indian Affairs.

三

COPY

12970

L. R. S.

J. P.
F.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

February 28, 1902.

I. T. D. 1130 &
1101-1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Your decision of January 27, 1902, rejecting the application for enrollment of Minnie, Dora Htta, Lillie Bell, Rosa Ellan and William Monroe Nelson as citizens by blood of the Chickasaw Nation, case R 48, in accordance with the act of May 31, 1900 (31 Stat., 221), is hereby affirmed, as recommended by the Commissioner of Indian Affairs in letter of February 14.

Respectfully,

(Signed) Thos. Ryan

Acting Secretary.
END

COPY.

Muskogee, Indian Territory, March 13, 1902.

Messrs Mansfield, McMurray & Cernish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of February 28, 1902, affirmed the decision of the Commission, dated January 27, 1902, denying the application made by Minnie Nelson for the enrollment of herself and her four minor children, Dora Etta, Lillie Bell, Rosa Ellen and William Monroe Nelson, as citizens of the Chickasaw Nation.

Yours truly,

(SIGNED) *T. E. Woodies.*

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, March 14, 1902.

Minnie Nelson,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of February 23, 1902, affirmed the decision of the Commission, dated January 27, 1902, denying the application made by you for the enrollment of yourself and your four minor children, Dora Etta, Lillie Bell, Rosa Eliza and William Monroe Nelson as citizens of the Chickasaw Nation.

Yours truly,

SIGNED: *I. D. J. Hedrick.*

Commissioner in Charge.

Chio.R-49

Chio.R-49

7-647

DEPARTMENT OF THE INTERIOR?
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Colbert, Indian Territory, June 18, 1900.

In the matter of the application of Emma Hubbard and her two minor children for enrollment as citizens by blood of the Chickasaw Nation. Emma E. Hubbard being first duly sworn by Acting Chairman Tams Bixby, testified as follows:

- Q What is your name? A Emma Ellen Hubbard.
- A How old are you? A Twenty-one.
- Q Where do you live? A Close to Coalgate.
- Q Is Coalgate your postoffice? A No sir, Owl is my postoffice.
- Q You claim to be a Chickasaw Indian; you make application as a Chickasaw by blood? A Yes sir.
- Q How much Chickasaw blood do you claim to have? A One-sixteenth.
- Q What is the name of your father? George Albert Baxter.
- Q He living? A Yes sir.
- Q What is your mother's name? A Amanda Baxter
- Q Is she living? A No sir.
- Q Who do you claim your Indian blood through? A My mother.
- Q You claim your right to Chickasaw citizenship through your mother? A Yes sir.
- Q Is her name on any of the Chickasaw tribal rolls? A I don't know, as she was at Ardmore?
- Q When? A Two or three years ago. She was on the record at Ardmore.
- Q Was she enrolled by the Dawes Commission? A No sir.
- Q Did she apply to the Dawes Commission? A No sir.
- Q Who did she go before at Ardmore? A Why, her brother had the names put on the records.
- Q On what records did they have her name put; on the records there? A Yes sir.
- Q Was she admitted by the court there? A No sir
- Q She was never admitted? A No sir.
- Q What case was that do you know? A No sir
- Q Was your mother ever recognized by the Chickasaw tribal authorities? A No sir, not that I knew of.
- Q Do you know whether your mother made application to the Commission to the Five Civilized Tribes in 1896, under the Act of Congress, June 10th, 1896? A No sir, she was dead.
- Q On what record then do you claim that her name was placed at Ardmore? A I don't know.
- Q When did she die? A she died in 1896, I reckon.
- Q What part of 1896? A In the spring, in February.
- Q Now explain to me to the best of your knowledge what she was on at Ardmore? A I don't know.
- Q You only know that your mother was on the records at Ardmore and that you claim your right to Chickasaw citizenship by virtue of that fact, is that correct? A Yes sir.
- Q To what county in the Chickasaw Nation did your mother claim to belong? A I don't know that it makes any difference; I don't know.
- Q You don't know anything about the tribal rolls of the Chickasaw Nation? A No sir, I have lived there but I don't know about it.
- Q You are not on any of the rolls of the Chickasaw Nation? A No sir.
- Q How long have you lived in the Indian Territory? A 14 years
- Q You have lived here continuously for 14 years? A Yes sir.
- Q You have not been outside of the Territory during that time? A No sir.
- Q You have been enrolled by the Chickasaw tribal authorities? A No sir.
- Q Did you ever apply to the Chickasaw tribal authorities for enrollment? A No sir.

Emma H. Hubbard -2-

Q Did you ever apply to the Commission to the Five Civilized tribes
want for enrollment in 1896, under the Act of Congress, June 10th,
1896? A No sir.

Q Are you married? A Yes sir.

Q Make any claim for your husband? A No sir.

Q What is your husband's name? A James A. Hubbard.

Q How old is he? A Twenty-seven.

Q Under what law were you married? Q United States Law.

Q Where? A In Texas, Under United States Law.

Q How long have you been married? A Going seven years.

Q Have you any children? A Yes sir.

Q Make any claim for them? A Yes sir.

Q What are the names of your children? A Lee Ernest 4, Alameda 2.

Q Any more? A No sir.

Q These children live with you? A Yes sir.

Q Always have lived with you and you are their natural guardian? A
Yes sir

Q Are there any additional statements that you wish to make at this
time in regard to the application for yourself and your children? A
No sir.

Q Are there any papers that you desire to submit to the Commission
in support of your case - you are willing to let your case rest on the
evidence as it now stands? A Yes sir.

The decision of the Commission in the matter of the application of
yourself and on behalf of your minor children for citizenship by blood
in the Chickasaw Nation will be mailed to you in the near future by
at your present postoffice address.

A. McElrath, being first duly sworn states that as stenog-
rapher to the Commission to the Five Civilized tribes, he reported
the foregoing case and that the above and foregoing is a full, true
and complete transcript of his stenographic notes in said cause.

A. McElrath

Subscribed and sworn to be fore me this 22 day of July, 1900.

[Signature]

Noting Chairman.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Emma Ellen Hubbard for the enrollment of herself and her two minor children, Lee Ernest and Alneeda Hubbard, as citizens by blood of the Chickasaw Nation.

D E C I S I O N .

It appears from the record in this case that on June 18, 1900, the applicant, Emma Ellen Hubbard, appeared before the Commission at Colbert, Indian Territory, and made application for the enrollment of herself and her two minor children, Lee Ernest Hubbard and Alneeda Hubbard, as citizens by blood of the Chickasaw Nation.

It appears from the evidence offered in support of said application and examination of the tribal rolls of the Chickasaw Nation in the possession of the Commission that the applicants above named have never been enrolled as citizens of the Chickasaw Nation and that their names do not appear upon the tribal rolls of the Chickasaw Nation.

It further appears from an examination of the records in the possession of the Commission that these applicants have never been admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes, or the legally constituted authorities of the said Nation or the United States Court in Indian Territory on appeal in accordance with the act of Congress of June 10, 1896, (29 Stat., 321).

The act of Congress of June 22, 1896, (29 Stat., 495), provides:




"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 221), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is therefore the opinion of this Commission that Emma Ellen Hubbard and her two minor children, Lee Ernest Hubbard and Alameda Hubbard, are not lawfully entitled to be enrolled as members of the Chickasaw Tribe of Indians in Indian Territory and that their application as such should be refused and it is so ordered.

The Commission to the Five Civilized Tribes.


COMMISSIONER.

COMMISSIONER.

COMMISSIONER.

Dated at Muskogee, Indian Territory,
this JAN 27 1902

MEMORANDA.

(Date) June 18, 1900

Name Emma Allen Hubbard - 212 Ave. Ind. Des.

Choctaw? _____ County _____ Year _____ No. _____

Chickasaw? 776 County _____ Year _____ Page _____

Citizen by blood? Mother's citizenship *Father, Geo. W. Baxter -*

Intermarried citizen? Mother: Amanda Baxter - d. 1900

Married under what law? James Clark as and

License filed this day, _____ 19____

Wife's NAME, James G. Hubbard, 27th

Choctaw? Q County Year No

Chickasaw? _____ County _____ Year _____ Page _____

Citizen by blood?..... Mother's citizenship.....

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

Names of children: *4 Lee Carmel Hubbard* County *✓* Year *1911* Page *1* No. *1*

2. Almeida " " County Year Page No.

County _____ Year _____ Page _____ No. _____

County 10 Year 1960 Page 1 No. 1Count 2 Year 1944 Page 1 No. 1

County Year Page No.

County .. Year .. Page .. No.

County _____ Year _____ Page _____ No. _____

County _____ Year _____ Page _____ No. _____

County _____ Year _____ Page _____ No. _____

Copy

Muskogee, Indian Territory, January 27, 1908.

Mrs. Ellen Hubbard,

Owl, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and your two minor children, Lee Ernest Hubbard and Alameda Hubbard, as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(signed)

Tams Bixby

Acting Chairman.

1 inclosure
Chickasaw R 48
Registered

C o p y
Muskogee, Indian Territory, January 27, 1902.

Messrs Mansfield, McMurray and Gornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Emma Milen Hubbard and her two minor children, Lee Ernest Hubbard and Alameda Hubbard, as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(signed) Tams Bixby

Acting Chairman.

1 inclosure
Chickasaw R 42
Registered.

Muskogee, Indian Territory, January 27, 1902

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by Emma Ellen Hubbard for the enrollment of herself and her minor children, Lee Ernest Hubbard and Alameda Hubbard, as citizens of the Chickasaw Nation, including the decision of the Commission, dated January 27, 1902, refusing the application for the enrollment of Emma Ellen Hubbard and her minor children, Lee Ernest Hubbard and Alameda Hubbard, as citizens of said nation.

Respectfully,

Acting Chairman,

1 inclosure
Chickasaw R 40

Through the Commissioner
of Indian Affairs

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 13 1902



ACTING CHAIRMAN.

L.R.S.

12970

J.P.
F.

COPY.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

I.T.D. 1147-1902
1101-1902.

February 28, 1902.

Commission to the Five Civilized Tribes, .

Muskogee, I.T.

Gentlemen:

Your decision of January 27, 1902, rejecting the application for enrollment of Emma Ellen, Lee Ernest and Alneeda Hubbard as citizens by blood of the Chickasaw Nation, case R 49, in accordance with the act of May 31, 1900 (31 stat., 221), is hereby affirmed, as recommended by the Commissioner of Indian Affairs in letter of February 14.

Respectfully,

~~copy~~
(SIGNED) Thos. Ryan
Acting Secretary.
E.M.D.

COPY.

Muskogee, Indian Territory, March 13, 1902.

Messrs Mansfield, McHurray & Gornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior under date of February 28, 1902, affirmed the decision of the Commission, dated January 27, 1902, denying the application made by Miss Ellen Hubbard for the enrollment of herself and her two minor children, Lee Ernest and Alameda Hubbard as citizens of the Chickasaw Nation.

Yours truly,

(SIGNED).

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, March 13, 1902.

Anna Ellen Hubbard,
Owl, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of February 26, 1902, affirmed the decision of the Commission, dated January 27, 1902, denying the application made by you for the enrollment of yourself and your two minor children, Lee Ernest and Alameda Hubbard as citizens of the Chickasaw Nation.

Yours truly,

(SIGNED)

Commissioner in Charge.

Chic. R-50

Chic. R-50

7120

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Colbert, Indian Territory, June 18, 1900.

In the matter of the application for enrollment as a citizen by blood of the Chickasaw Nation of Benjamin F. Holder, who, being first duly sworn by Acting Chairman, Tams Bixby, testified as follows:

- Q What is your name? A Benjamin Franklin Holder.
- Q How old are you? A Well sir, the record of my age was lost - thirty-nine to forty.
- Q What is your postoffice address? A Marietta.
- Q You live at Marietta? A Six miles this side.
- Q Are you a Chickasaw? A I claim that.
- Q You make application as a Chickasaw by blood? A Yes sir.
- Q What is the name of your father? A James A. Holder.
- Q Is he living? A No sir.
- Q What is your mother's name? A Sally Holder.
- Q Is she living? A No sir.
- Q Who do you claim your Indian blood through? A My Father.
- Q Was your father a recognized citizen of the Chickasaw Nation? A I can't tell you that.
- Q You don't know? A No sir.
- Q To what county in the Chickasaw Nation did he belong? A I don't know.
- Q Is his name on any of the rolls of the Chickasaw Nation? A Could not tell you that.
- Q Is your name on any of the Chickasaw rolls? A No sir.
- Q How long have you lived in Indian Territory? A About 19 years.
- Q Have you lived in the Indian Territory for the past 19 years? A Have been in and out all the time?
- Q What do you mean by "in and out"? A Well, sometimes I would go to Texas.
- Q When did you go to Texas last? A Go out and back.
- Q How long did you remain? A I have stayed over night.
- Q You never went to Texas with the intention of making your home there? A No sir.
- Q Have you ever been enrolled by the Chickasaw tribal authorities? A No sir.
- Q Did you ever apply to the Chickasaw tribal authorities for enrollment as a citizen of the Chickasaw nation? A No sir, I did not.
- Q Did you apply to the Dawes Commission in 1896 under the Act of June 10th, 1896 for citizenship in the Chickasaw Nation? A No sir.
- Q What proportion of Chickasaw blood do you claim to have? A I claim to have about one-eighth.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Lindy Holder.
- Q She living? A Yes sir.
- Q Do you make any claim for her? A No sir.
- Q How old is she? A About twenty-five.
- Q When were you married? A Last fall sometime. I can't tell you the date.
- Q Were you married under Chickasaw law? A No sir, was married under Arkansas law.
- Q She does not claim to be an Indian does she? A No sir.
- Q Have you any children? A Not of my own. Have three step-children.
- Q Do you claim for these children? A No sir.
- I understand you to say that you make application for enrollment as a Chickasaw by blood

and desire to introduce the judgment of the United States Court in the case of John. P. Holder, et al, is that correct? A No sir.

Q What is it that you wish to show by the judgment of the court in the case of Jno. P. Holder et al? A I can't tell you, I want to prove that I am a Chickasaw by blood.

Q In order to prove that you are a Chickasaw by blood you desire to submit this judgment as evidence? A Yes sir.

1896 Citizenship Docket "C", on page 12 Chickasaw case No 62 John P. Holder, et al vs the Chickasaw Nation. Original application filed Sept 10th, 1896, answer of the Chickasaw Nation filed; application was denied by the Commission on November 10th, 1896. Appeal was taken to the United States Court for the Southern District, Indian Territory and the judgment rendered by that court reversed the decision of the Commission and admitted to citizenship in the Chickasaw Nation 98 parties. The name of Benjamin F. Helder appears among the names of the persons admitted to citizenship in the case of John P. Holder et al vs the Chickasaw Nation. He appeared and was enrolled by the Commission as a citizen of the Chickasaw Nation September 23, 1896, giving his age as about 56 years; his father's name was William L and his mother's Mary A.

Q Have you ever been before the Commission before? A No sir.

Q Has John P. Holder a son named Benjamin F. Helder? A There is another here.

Q There is another Benjamin F. Helder? A Yes sir.

Q Was he admitted to citizenship in that case? A I can't tell you.

Q Where is he? living? A By Ardmore.

Q Is he here? No sir, I think not now.

Q Your name then was not in the original application made to this Commission in 1896, nor in the Judgment of the United States Court admitting these people to citizenship? A No sir I think not.

Q What then is it that you desire to show by this judgment? A I have not had anything to show; I want to prove; I claim the blood of a Chickasaw by my father.

Q You applied for enrollment as a Chickasaw citizen by blood. A Yes sir; that is what I want to apply for.

Q You request that there be introduced in evidence the judgment of the United States Court in the case of Jno. P. Holder et al admitting to citizenship in the Chickasaw Nation these people; now that has been made a part of the record; what is it you desire to show by having that made a part of the record? A I could not answer that question.

Q Have you any children? A No sir.

Q Have you any additional statements you desire to make at this time in regard to your case? A No sir.

Q Any papers that you desire to file in connection with your case. A I have not got it.

The decision of the Commission in the matter of your application for enrollment as a citizen by blood of the Chickasaw Nation will be mail d to you in writing in the near future at your present post-office address.

A. McKlath, being first duly sworn, states that as stenographer to the Commission of the Five Civilized Tribes, he reported the foregoing and that the above and foregoing is a full, true and complete transcript of his stenographic notes in said cases.

Subscribed and sworn to before me this 27 day of July, 1900

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Benjamin Franklin
Holder for enrollment as a citizen by blood of the Chickasaw Nation.

DECISION.

It appears from the record in this case that on June 18, 1900, the applicant, Benjamin Franklin Holder, appeared before the Commission at Gelbert, Indian Territory, and made application for enrollment as a citizen by blood of the Chickasaw Nation.

It appears from the evidence offered in support of said application and examination of the tribal rolls of the Chickasaw Nation in the possession of the Commission that the applicant above named has never been enrolled as a citizen of the Chickasaw Nation and that his name does not appear upon the tribal rolls of the Chickasaw Nation.

It further appears from an examination of the records in the possession of the Commission that this applicant has never been admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes, or the legally constituted authorities of the said Nation or the United States Court in Indian Territory on appeal in accordance with the act of Congress of June 10, 1900, (30 Stats., 321).

The act of Congress of June 20, 1906, (34 Stats., 405), provides:

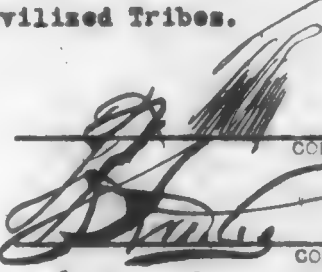

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 221), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior.

It is therefore the opinion of this Commission that Benjamin Franklin Holder is not lawfully entitled to be enrolled as a member of the Chickasaw Tribe of Indians in Indian Territory and that his application as such should be refused and it is so ordered.

The Commission to the Five Civilized Tribes.


COMMISSIONER.

COMMISSIONER.

Dated at Muskogee, Indian Territory,
this JAN 27 1902

MEMORANDA.

Name Benjamin F. Holder - ^(Date) June 18, 1900 ¹⁹⁰⁰
Marquette, I. C.

Chocoma? County Year No.

Chickasaw? 1/8 County _____ Year _____ Page _____

Citizen by blood? Mother's citizenship *Father: Gas U. Holder -*

Intermarried citizen? Mother & Father Holder - Res.

Married under what law? *Texas through 4 letters*

License filed this day

Wife's name, Lloyd Ivorlee - 23,

Choctaw? _____ County _____ Year _____ No. _____

Chickasaw? _____ **County** _____ **Year** _____ **Page** _____

Citizen by blood?..... Mother's citizenship.....

Intermarried citizen?

Married under what law? _____

License filed this day

Names of children:

County 10 Year 10 Page 10 No. 10

County _____ Year _____ Page _____ No. _____

County 1 Year 1 Page 1 No. 1

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County _____ Year _____ Page _____ No. _____

Copy.

Muskogee, Indian Territory, January 27, 1902.

Benjamin F. Holder,

Marietta, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself as a citizen of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(Signed) Tams Dixby

1 inclosure
Chickasaw R 50
Registered.

Acting Chairman.

Copy

Muskogee, Indian Territory, January 27, 1902.

Mansfield, McKurray & Gernish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by Benjamin F. Holder for the enrollment of himself as a citizen of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(Signed) Tamm Bixby

Acting Chairman.

1 inclosure
Chickasaw R. 50.
Registered.

Copy

Muskogee, Indian Territory, January 27, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Benjamin F. Holder as a citizen of the Chickasaw Nation, including the decision of the Commission, dated January 27, 1902, refusing the application for the enrollment of Benjamin F. Holder as a citizen of said nation.

Respectfully,

(Signed) Tams Bixby

Acting Chairman.

1 inclosure
Chickasaw R. 50

Through the Commissioner
of Indian Affairs.

RECEIVED
U.S. DEPT. OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

RECEIVED

Commissioner of Indian Affairs
Washington, D.C.
May 10, 1908
To the Commissioner of Indian Affairs
Bureau of Indian Affairs
Washington, D.C.
From the
Commissioner of Indian Affairs
Bureau of Indian Affairs
Washington, D.C.
Subject: *[illegible]*
Reference: *[illegible]*
Enclosure: *[illegible]*

COMMISSIONER OF INDIAN AFFAIRS

RECEIVED

RECEIVED
U.S. DEPT. OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

RECEIVED

[Faint handwritten notes and stamps at the bottom of the page]

COPY.

Chickasaw 2 80

Waskagee, Indian Territory, March 13, 1902.

Benjamin Franklin Helder,

Marietta, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of February 26, 1902, affirmed the decision of the Commission, dated January 27, 1902, denying the application made by you for the enrollment of yourself as a citizen of the Chickasaw Nation.

Yours truly,

SIGNED, T. B. Neafsey.

Commissioner in Charge.

Chickasaw R 50

COPY.

Muskogee, Indian Territory, March 13, 1902.

Messrs Mansfield, McBarry & Cornish,

Attorneys for the Cheetaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior under date of February 28, 1902, affirmed the decision of the Commission, dated January 27, 1902, denying the application made by Benjamin Franklin Helder for the enrollment of himself as a citizen of the Chickasaw Nation.

Yours truly,

(SIGNED) *E. D. Needles.*

Commissioner in Charge.

Chic.R-51

Chic.R-51

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I. T., June 18, 1900.

In the matter of the application of John Holder for himself and three children for enrollment as Chickasaws; being sworn and examined by Acting Chairman Binby he testifies as follows:

Q What is your name? A John Holder.
Q What is your age? A Twenty-eight.
Q What is your post-office address? A Marietta.
Q How long have you lived at Marietta? A I don't live at Marietta, I live right close by, five years.
Q Been living in the Chickasaw Nation for the last five years continuously? A Been living in the Chickasaw nation for the last fourteen years.
Q Where did you live before you came to the Chickasaw nation? A Grayson county, Texas.
Q Were you born in Texas? A Yes sir.
Q What is your father's name? A L.L. Holder.
Q Is he living? A Yes sir.
Q Is he a Chickasaw Indian? A Yes sir.
Q What proportion of Chickasaw Indian blood does he claim to have? A One-eighth.
Q Was his name ever been on the Chickasaw rolls? A No sir.
Q Has he ever been recognized by the Chickasaw authorities as a Chickasaw Indian? A No sir, not that I know of.
Q What is your mother's name? A Margaret M. Holder.
Q Is she living? A Yes sir.
Q Is she a white woman? A No sir.
Q Chickasaw? A Yes sir.
Q How much Chickasaw blood has she? A One-eighth.
Q Has her name ever been on the Chickasaw rolls? A No sir.
Q Has she ever been recognized by the Tribal authorities as a Chickasaw Indian? A No sir.
Q What proportion of Chickasaw blood do you claim to have in your veins? A One-sixteenth.
Q Was your name ever been on the Chickasaw rolls? A No sir.
Q Have you ever been recognized by the Tribal authorities as a Chickasaw Indian? A No sir, I have no connection on the rolls.
Q On the Chickasaw rolls? A Yes sir.
Q What is the name? A I have a grandmother, Samantha Looney.
Q She on the Tribal rolls or was she admitted by the United States Court? A By the United States Court.
Q Did you ever apply to the Tribal authorities for enrollment as a Chickasaw Indian? A No sir.
Q Did you apply to the Dawes Commission in the year 1896? A No sir.
Q Is this your first application? A Yes sir.
Q What is the name of the mother of your children? A Annie Holder.
Q Where did you marry her? A In the Chickasaw Nation.
Q Under United States law? A Yes sir.
Q Do you wish to offer your marriage license and certificate in evidence? A No sir. I don't think there is any use.
Q What are the names and ages of your children? A Howard Holder, three years old; Ernest Holder, two years old; Emoula Holder, eight months old.
Q Are these children living with you? A Yes sir.
Q Their post-office address has always been the same as yours? A Yes sir.
Q Is there any additional statement that you would like to make in regard to your case at this time? A No sir I believe not.
Q Have you got any papers that you would like to file with the Commission? A No sir.

John Heider et al #2

The enrollment of your self and your children as citizens by blood of the Chickasaw nation is refused, for the reason that your names do not appear upon the Tribal rolls of the Chickasaw nation now in the possession of this Commission. For the additional reason that it appears from the testimony and the records that neither you nor your children have ever been recognized by the lawfully constituted Tribal authorities as Chickasaw Indians by blood, and you were not admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes acting under the law of June 10th 1896, or by a judgment of the United States Court in the Indian Territory.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case, and that the above and foregoing is a full true and complete transcript of his stenographic notes taken in said case.

Subscribed and sworn to before me this 30 day of June 1900.


Acting Chairman.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John Helder for the enrollment of himself and his three minor children, Howard, Ernest, and Maoula Helder as citizens by blood of the Chickasaw Nation.

D E C I S I O N .

It appears from the record in this case that on June 18, 1900, the applicant, John Helder, appeared before the Commission at Colbert, Indian Territory and made application for the enrollment of himself and his three minor children, Howard, Ernest and Maoula Helder as citizens by blood of the Chickasaw Nation.

It appears from the evidence offered in support of said application and examination of the tribal rolls of the Chickasaw Nation in the possession of the Commission that the applicants above named have never been enrolled as citizens of the Chickasaw Nation and that their names do not appear upon the tribal rolls of the Chickasaw Nation.

It further appears from an examination of the records in the possession of the Commission that these applicants have never been admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes, or the legally constituted authorities of the said Nation or the United States Court in Indian Territory on appeal in accordance with the act of Congress of June 18, 1900 (32 Stat., 321).

The act of Congress of June 28, 1906 (34 Stat., 495), provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the Five Tribes (excluding Cherokee), eliminating from the tribal rolls such names as

may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900 (31 Stats., 221), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is therefore the opinion of this Commission that John Holder and his three minor children, Howard, Ernest and Knoula Holder, are not lawfully entitled to be enrolled as members of the Chickasaw Tribe of Indians in Indian Territory and that their application as such should be refused, and it is so ordered.

The Commission to the Five Civilized Tribes.


COMMISSIONER.


COMMISSIONER.


COMMISSIONER.

Dated at Muskogee, Indian Territory,
this 27 day of January, 1902.

REFUSED.

MEMORANDA.

JUN 18 1900

JUN 18 1900

Name John Holder (28) (Date) Marietta J.J.

Choctaw? County Year No.

Chickasaw? yes County Year Page

Citizen by blood? yes ($\frac{1}{16}$) Mother's citizenship CHICKASAW ($\frac{1}{8}$)

Intermarried citizen?

Married under what law?

License filed this day

Wife's name, Anna Holder (no)

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

3. <u>Howard</u> (<u>no</u>)	County	Year	Page	No.
2. <u>Earnest</u>	County	Year	Page	No.
(<u>no</u>) <u>Eunola</u>	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

CHICKASAW.

Personal appearance and testimony at Galbert, J.J. June 18, 1900.

(Father) L.L. Holder ($\frac{1}{8}$) ✓
(Mother) Margaret H. Holder ($\frac{1}{8}$)

Copy

Muskogee, Indian Territory, January 27, 1902.

John Holder,

Marietta, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by John Holder for the enrollment of himself and three minor children, Howard Holder, Ernest Holder, and Knoula Holder, as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(Signed) Tans Bixby

Acting Chairman.

1 inclosure
Chickasaw R. 51
Registered. 51

Copy

Muskogee, Indian Territory, January 27, 1902.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw & Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by John Holder for the enrollment of himself and three minor children, Howard Holder, Ernest Holder and Enoula Holder as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(Signed) Tamm Bixby

Acting Chairman.

1 inclosure
Chickasaw RSP
Registered.

Muskogee, Indian Territory, January 27, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of John Holder and his three minor children, Howard Holder, Ernest Holder and Knoula Holder as citizens of the Chickasaw Nation, including the decision of the Commission, dated January 27, 1902 refusing the application for the enrollment of John Holder, Howard Holder, Ernest Holder and Knoula Holder as citizens of said nation.

Respectfully,

(Signed) Tama Bixby

Acting Chairman.

1 inclosure
Chickasaw R 02

Through the Commissioner
of Indian Affairs.

2

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FREE CIVILIZED TRIBES.

FILED
MAR 18 1902

[Signature]
J. G. CHAPMAN

D. C. No. 3765-1902.

(COPY)

L. R. S.

12970

J. P.
F.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I.T D.1148 &
1101-1902.

February 28, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Your decision of January 27, 1902, rejecting the application for enrollment of John, Howard, Ernest and Enoula Holder as citizens by blood of the Chickasaw Nation, case R 51, in accordance with the act of May 31, 1900 (31 Stat., 221), is hereby affirmed, as recommended by the Commissioner of Indian Affairs in letter of February 14.

Respectfully,

Thos Ryan

Acting Secretary.

RMB

Chickasaw 81

COP.

Muskogee, Indian Territory, March 13, 1902.

Messrs Mansfield, McFerry & Gurnish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of February 28, 1902, affirmed the decision of the Commission, dated January 27, 1902, denying the application made by John Holder for the enrollment of himself and his minor children, Howard, Ernest and Emoula Holder as citizens of the Chickasaw Nation.

Yours truly,

(SIGNED) T. E. Needles

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, March 13, 1902.

John Holder,

Marietta, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of February 28, 1902, affirmed the decision of the Commission, dated January 27, 1902, denying the application made by you for the enrollment of yourself and your minor children, Howard, Ernest and Beulah Holder as citizens of the Chickasaw Nation.

Yours truly,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

Chic.R-52

Chic.R-52

Department of the Interior,
Commission to the Five Civilized Tribes,
Oklahoma, I. T., June 18, 1900.

In the matter of the application of James Holder for enrollment as a Chickasaw; being sworn and examined by Acting Chairman Dixby his testifies as follows:

- Q What is your name? A James Holder.
Q What is your age? A Twenty-eight.
Q What is your post-office address? A Marietta.
Q How long have you lived in the Chickasaw Nation? A I couldn't say how long. I have been here; I have been here nearly all my life.
Q Have you been here for the past three or four years? A Yes sir.
Q Where were you born? A In Texas.
Q How many years did you live in Texas before you came to the Territory? A I don't know how long.
Q What is your father's name? A L. L. Holder.
Q Is he living? A Yes sir.
Q Is he a Chickasaw Indian? A Yes sir.
Q How much Chickasaw Indian blood runs in his veins? A One-eighth.
Q Has his name ever been on the Tribal rolls? A No sir.
Q Has he ever been recognized by the Tribal authorities as a Chickasaw Indian? A Not that I know of.
Q What is your mother's name? A Margaret M. Holder.
Q Is she living? A Yes sir.
Q Is she a Chickasaw Indian? A Yes sir.
Q How much Chickasaw blood has she? A One-eighth.
Q Has her name ever been on the Tribal rolls? A No sir.
Q Has she ever been recognized by the Tribal authorities as a Chickasaw Indian? A No sir.
Q What proportion of Chickasaw blood do you claim to have? A One-sixteenth.
Q Has your name ever appeared upon the Tribal rolls of the Chickasaw Nation? A No sir.
Q Have you ever been recognized by the Tribal authorities as a Chickasaw Indian? A No sir.
Q Did you ever apply to the Tribal authorities for enrollment as a Chickasaw Indian? A No sir.
Q Did you apply to the Dawes Commission in the year 1896? A No sir, but I have got a lot of kinfolks on the roll.
Q On the Tribal rolls? A No sir.
Q You have kinfolks that were admitted to citizenship in the Chickasaw Nation by the United States Court have you not? A Yes sir.
Q Any other statement that you would like to make in regard to your case at this time? A No sir.
Q Have you got any papers that you want to file? A No sir.

Your enrollment as a Chickasaw Indian by blood is refused, for the reason that your name does not appear upon the Chickasaw rolls now in the possession of this commission, and for the additional reason that it appears from the record that you have never been recognized by the lawfully constituted authorities of the Chickasaw Nation as a citizen of said Nation, and you were not admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes acting under the law of June 10, 1896, or by a judgment of the United States Court in the Indian Territory.

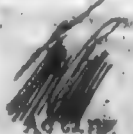
M. J. Green, being first duly sworn, states that as

James Helder #2

stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing case, and that the above and foregoing is a full, true and complete transcript of his stenographic notes taken in said case.

M. O. Helder

Subscribed and sworn to before me this 30 day of June 1900.



Notary Public

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James Holder for enrollment as a citizen by blood of the Chickasaw Nation.

D E C I S I O N .

It appears from the record in this case that on June 18, 1900, the applicant, James Holder, appeared before the Commission at Colbert, Indian Territory, and made application for enrollment as a citizen by blood of the Chickasaw Nation.

It appears from the evidence offered in support of said application and examination of the tribal rolls of the Chickasaw Nation in the possession of the Commission that the applicant has never been enrolled as a citizen of the Chickasaw Nation and that his name does not appear upon any of the tribal rolls of the Chickasaw Nation.

It further appears from an examination of the records in the possession of the Commission that the applicant has never been admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes, or the legally constituted authorities of the said Nation or the United States Court in Indian Territory on appeal in accordance with the act of Congress of June 10, 1896 (29 Stats., 321).

The act of Congress of June 28, 1898 (30 Stats., 495), provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled




to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900 (31 Stats., 221), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is therefore the opinion of this Commission that James Holder is not lawfully entitled to be enrolled as a member of the Chickasaw Tribe of Indians in Indian Territory and that his application as such should be refused and it is so ordered.

The Commission to the Five Civilized Tribes.


COMMISSIONER.

COMMISSIONER.

C. R. Buckner
COMMISSIONER.

Dated at Muskogee, Indian Territory,

This 27 day of January, 1902.

REFUSED.

MEMORANDA.

JUN 18 1900

JUN 18 1900

(Date)

Name

James Holder (23)

Marietta, IT.

Choctaw?

County

Year

No.

Chickasaw?

yes

County

Year

Page

Citizen by blood?

yes

Mother's citizenship

CHICKASAW.

(1/8)

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw?

County

Year

No.

Chickasaw?

County

Year

Page

Citizen by blood?

Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

County

Year

Page

No.

County

Year

Page

No.

County

Year

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No.

CHICKASAW

Personal appearance
and testimony at
Bolbert, IT. June 18, 1900.

(Father) L. L. Holder (1/8) ✓
(mother) Margout Holder (1/8)

Copy

Muskogee, Indian Territory, January 27, 1902.

James Holder,

Marietta, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of James Holder for enrollment as a citizen of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(Signed) Tama Bixby

Acting Chairman.

1 inclosure
Chickasaw R 52
Registered.

Copy

Muskogee, Indian Territory, January 27, 1902

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw & Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of James Helder for enrollment as a citizen of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(Signed) Tamm Bixby

Acting Chairman.

1 inclosure
Chickasaw R 52
Registered.

Copy

Muskogee, Indian Territory, January 27, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of James Holder as a citizen of the Chickasaw Nation, including the decision of the Commission, dated January 27, 1902, refusing the application for the enrollment of James Holder as a citizen of said nation.

Respectfully,

(Signed) Tams Binby

Acting Chairman.

1 inclosure
Chickasaw R 52

Through the Commissioner
of Indian Affairs.

L.R.S.

12970

J.P.
F

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

I.T.D. 1150 &
1101-1902.

February 28, 1902.

Commission to the five civilized tribes,
Muskogee, I.T.

Gentlemen:

Your decision of January 27, 1902, rejecting the application for enrollment of James Holder as a citizen by blood of the Chickasaw Nation, case R 52, in accordance with the act of May 31, 1900 (31 Stat., 221), is hereby affirmed, as recommended by the Commissioner of Indian Affairs in letter of February 14.

Respectfully,

(SIGNED). Thos. Ryan

Acting Secretary.

E.M.D.

Chickasaw R 52

COPY,

Muskogee, Indian Territory, March 13, 1902.

James Holder,

Marietta, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of February 28, 1902, affirmed the decision of the Commission, dated January 27, 1902, denying the application made by you for the enrollment of yourself as a citizen of the Chickasaw Nation.

Yours truly,

(SIGNED),

T. D. ...

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, March 13, 1902.

Messrs Mansfield, McMurray & Cornish,
Attorneys for the Chectaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior under date of February 28, 1902, affirmed the decision of the Commission, dated January 27, 1902, denying the application made by James Helder for the enrollment of yourself as a citizen of the Chickasaw Nation.

Yours truly,

S/

I. D. Needles.

Commissioner in Charge.

Chic .R-53

Chic .R-53

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
COLBERT, I. T., JUNE 18th, 1900.

In the matter of the application of Elizabeth Evans for enrollment as a Chickasaw Indian., and she being sworn by Acting Chairman, Toms Hixby, testified as follows:

Q What is your name? A. Elizabeth Evans.
Q How old are you? A. I can not tell.
Q About how old? A. I do not know; I think I am about fifty-five.
Q You apply as a Chickasaw by blood? A. Yes sir.
Q Q Where do you live? A. I live above here on the Watchitan.
Q In the Chickasaw Nation? A. Yes sir.
Q How long have you lived in the Chickasaw Nation?
Q Ever since the first year of the Civil War.
Q Never have lived outside of the Chickasaw Nation during that time? A. I have been out three, four and five months at a time.
Q When was the last time you lived out of the Chickasaw Nation?
A. Twenty-three years ago.
Q Where did you live then? A. Preston Bend, Grayson County, Texas.
Q Then you have not been outside of the Chickasaw Nation in the last twenty-two years? A. No sir.
Q Does your name appear upon any of the Chickasaw tribal rolls?
A. I can not tell you anything about that; I do not know.

Tribal Rolls of citizens of the Chickasaw Nation, prepared by the Chickasaw Tribal authorities in 1896, examined and the name of the applicant not found there.

Q Did you ever apply to the Chickasaw tribal authorities for citizenship in the Chickasaw Nation? A. No sir, not for a blood right; I did for a marriage right.
Q When did you apply to the tribal authorities of the Chickasaw Nation for citizenship by inter-marriage? A. I had a trial at Tishomingo, and got my citizenship papers there, and they were sent to Vinita and I never got them back.
Q For what purpose were they sent to Vinita? A. The neighbors all sent papers up there; all our citizens did, full bloods and all.
Q To whom did they send these papers at Vinita? A. I do not know anything about that; my husband sent them, and I do not know anything about it.
Q What is your husband's name? A. Fred Evans.
Q When these papers were sent to Vinita, they were sent to the Dawes Commission, were they not? A. Yes sir.
Q The papers you refer to are in the application for yourself and others for citizenship in the Chickasaw Nation, made to this Commission? A. Just myself; no applications were made but for myself.

Record of the applications for citizenship in the Chickasaw Nation, filed before the Dawes Commission in 1896 examined; on page 9 appears the case of Fred & Elizabeth Evans versus the Chickasaw Nation, filed September 9th, 1896; answer filed; Elizabeth A. Evans and her child by a first marriage (if any) admitted to citizenship; the claim of Fred Evans to citizenship is denied; claim of children by second marriage also denied. Case appealed to the United States Court for the Indian Territory and judgment of the Commission, admitting Elizabeth A. Evans and child by first marriage to citizenship reversed by said Court. Judgment of the Commission denying application of Fred Evans and child sustained.

Q You have never been recognized by the Chickasaw tribal authorities as a citizen of the Chickasaw Nation, have you? A. I do not understand you.

- Q Did you make application for any children? A No sir.
Q Is your husband living? A Yes sir.
Q What is his name? A Fred Evans.
Q Did you make any claim for him? A No sir.
Q What proportion of Chickasaw blood do you claim to have?
A I do not know; about an eighth (one eighth).
Q What is the name of your father? A Louis Helder.
Q Is he living? A No sir.
Q When did he die? A He was killed the second year of the war;
the second or third year.
Q Did he claim any Chickasaw blood? A Yes sir.
Q How much? A I can not tell.
Q About how much? A I have no idea.
Q What is the name of your mother? A Sarah Helder.
Q Is she living? A No sir.
Q When did she die? A She has been dead nineteen years (19).
Q Was she a white woman or Indian? A I do not know.

L. D. Horton, attorney for applicant, here asks leave to file other papers in the above case.
By the Commission.

Any papers which you may file at any future time with the Commission will not receive the consideration of the Commission in deciding the case of Elizabeth Evans for enrollment as a Chickasaw Indian, but will be forwarded with any other papers in connection with her case now on file with the Commission to the honorable Secretary of the Interior for his consideration, when the rolls of citizens of the Chickasaw Nation are forwarded him for approval.

Mrs Evans, a copy of the decision of the Commission will be furnished you at a later date, mailed to you at your present post-office address.

R. R. Gravens, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing case, and that the foregoing and above is a true, full and correct transcript of his stenographic notes in said case.

R. R. Gravens

Sworn to and subscribed before me this 26th day of June, 1900.

[Signature]

ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Elizabeth Evans for enrollment as a citizen by intermarriage of the Chickasaw Nation.

D E C I S I O N .

The record in this case will show that on June 18, 1900, the applicant, Elizabeth Evans, appeared before the Commission at Colbert, Indian Territory, and there and then made personal application for enrollment as a citizen by intermarriage of the Chickasaw Nation.

It appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes that Elizabeth Evans, the applicant herein, made application to this Commission in 1896 for intermarried citizenship in the Chickasaw Nation under the act of Congress of June 10, 1896, (29 Stats., 321), and was by the Commission admitted as an intermarried citizen of the Chickasaw Nation in Chickasaw citizenship case Number 43; and on appeal to the United States Court for the Southern District of the Indian Territory, the said United States Court for the Southern District of the Indian Territory reversed the decision of the Commission and denied the application of Elizabeth Evans for intermarried citizenship in the Chickasaw Nation in Court case (Citizenship Docket) Number 56.

The act of Congress of June 10, 1896, (29 Stats., 321), provides:

"That said commission is further authorized and directed to proceed at once to hear and determine the application of all persons who may apply to them for citizenship in any of said nations, and after said hearing they shall determine the right of said applicant to be so admitted and enrolled: Provided, however, That such application shall be made to such commissioners within three months after

the passage of this act. The said commission shall decide all such applications within ninety days after the same shall be made. That in determining all such applications said commission shall respect all laws of the several nations or tribes, not inconsistent with the laws of the United States, and all treaties with either of said nations or tribes, and shall give due force and effect to the rolls, usages, and customs of each of said nations or tribes: And provided further, That the rolls of citizenship of the several tribes as now existing are hereby confirmed, and any person who shall claim to be entitled to be added to said rolls as a citizen of either of said tribes, and whose right thereto has either been denied or not acted upon, or any citizen who may within three months from and after the passage of this act desire such citizenship, may apply to the legally constituted court or committee designated by the several tribes for such citizenship, and such court or committee shall determine such application within thirty days from the date thereof.

In the performance of such duties said commission shall have power and authority to administer oaths, to issue process for and compel the attendance of witnesses, and to send for persons and papers, and all depositions and affidavits and other evidence in any form whatsoever heretofore taken where the witnesses giving said testimony are dead or now residing beyond the limits of said Territory, and to use every fair and reasonable means within their reach for the purpose of determining the rights of persons claiming such citizenship, or to protect any of said nations from fraud or wrong, and the rolls so prepared by them shall be hereafter held to be the true and correct rolls of persons entitled to the rights of citizenship in said several tribes: Provided, That if the tribe, or any person, be aggrieved with the decision of the tribal authorities or the commission provided for in this act, it or he may appeal from such decision to the United States district court: Provided, however, That the appeal shall be taken within sixty days, and the judgment of the court shall be final."

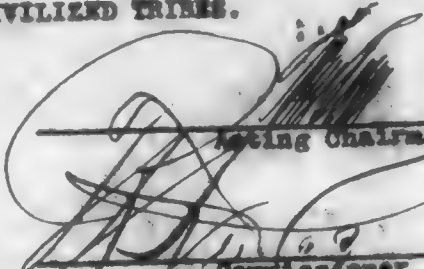

It does not appear from the evidence offered in support of this application and an examination of the tribal rolls of the Chickasaw Nation in the possession of the Commission that the applicant has ever been enrolled as a citizen of the Chickasaw Nation, nor does her name appear upon any of the tribal rolls of the Chickasaw Nation, nor does it appear that she has ever been admitted to Chickasaw citizenship by the legally constituted authorities of the said nation.

The act of Congress of June 28, 1898, (30 Stats., 495), provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

It is therefore the opinion of this Commission that Elizabeth Evans is not lawfully entitled to be enrolled as a member of the Chickasaw Tribe of Indians in Indian Territory and that her application as such should be refused and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.

Dated at Muskogee, Indian Territory,
this APR -2 1902

Chick. Nation

MEMORANDA.

CHICKASAW.

(Date)

1899.

Name Elizabeth Evans 1852 Cumberland
 Choctaw? no County not on roll Year No.
 Chickasaw? yes County ? Year Page
 Citizen by blood? yes (1/8) Mother's citizenship ?
 Intermarried citizen? no

Married under what law?

License filed this day,

Wife's name

(1) Fred Evans

Choctaw? County

Year

No.

Chickasaw? County

Year

Page

Citizen by blood?

Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

CHICKASAW
 County Year Page No.
 County Year Page No.
 County Year Page No.
 County Year Page No.
 County Year Page No.
 County Year Page No.
 County Year Page No.
 County Year Page No.
 County Year Page No.
 County Year Page No.
 County Year Page No.

*Father
 Claims
 Choctaw*

(father) - Lewis H. Holder (DEAD)
 (mother) - Sarah Holder (DEAD)
 father claims Choctaw.

also married 2nd time
 1st H. H. H. - George Brazier

Muskogee, Indian Territory, August 9, 1901.

Mr. L. D. Horton,

Attorney at Law,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 6th instant, requesting to be advised as to the status of the application for enrollment as a citizen of the Chickasaw Nation of Mrs. Elizabeth Evans.

You are informed that the records of this office show that on June 18, 1900, Mrs. Elizabeth Evans appeared before the Commission at Sulbert, Indian Territory, and made application for enrollment as a Chickasaw Indian. Her application was denied for the reason that her name was not found upon any of the rolls of the Chickasaw Nation in the possession of the Commission.

It further appears that at the conclusion of the examination of this applicant, L. D. Horton, her attorney, asked leave to file other papers in the case, and was informed by the Commission that any papers which he might file at any future time with the Commission would not receive the consideration of the Commission in deciding the application for enrollment as a Chickasaw Indian in the case of Elizabeth Evans, but that the same would be forwarded with

L. D. H.--2.

any other papers in connection therewith, now on file with the records of the Commission, to the Secretary of the Interior when the rolls of the Chickasaw Nation were forwarded to him for approval.

No further action has yet been taken in regard to the application for enrollment of Mrs. Elizabeth Evans as a citizen of the Chickasaw Nation.

Yours truly,

Commissioner in Charge.

9-R 33

Chickasaw P 53.

Muskogee, Indian Territory, March 19, 1903.

S. C. Treadwell,

Attorney at Law,

Tishomingo, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 25, 1902, in the case of E. A. Evans, et al. versus the Chickasaw Nation. You state that one branch of this case was appealed to Ardmore and tried there; that the original papers sent by the Commission to the United States Court at Ardmore seem to have been destroyed by fire, and as the plaintiff had no attorney there the papers were never substituted.

In reply to your letter you are advised that the original papers in this case were forwarded to the Clerk of the United States Court for the Southern District of the Indian Territory, and his receipt therefor is on file. It appears from our dockets that Elizabeth Ann Evans was admitted by this Commission under the act of Congress of June 10, 1896, as a citizen of the Chickasaw Nation, and the application of Fred Evans, her husband was denied, and that the United States Court for the Southern District of the Indian Territory, on appeal, reversed the Commission's decision as to Elizabeth Ann Evans and sustained its decision as to Fred Evans.

Respectfully,

Chairman.

Chickasaw R 55

COPY.

Muskogee, Indian Territory, April 2, 1908.

Elizabeth Evans,

Muskogee, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as a citizen of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED)

C. R. Breckinridge

Commissioner in Charge.

1 enclosure
Register.

Chickasaw R 83

COPY.

Muskogee, Indian Territory, April 2, 1902.

L. D. Horton,

Attorney at Law,

Durant, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Elizabeth Evans for enrollment as a citizen of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

COPY

C. R. Brackinridge.

Commissioner in Charge.

1 enclosure
Register

Chickasaw R 83

COPY.

Muskogee, Indian Territory, April 2, 1902.

Messrs Mansfield, McMurtry & Gornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Elizabeth Evans as a citizen of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

C. E. Breckinridge.

Commissioner in Charge.

1 enclosure.
Register.

COPY.

Waskagee, Indian Territory, April 2, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Elizabeth Evans for enrollment as a citizen of the Chickasaw Nation, including the decision of the Commission, dated April 2, 1902, refusing the application for the enrollment of Elizabeth Evans as a citizen of said nation.

Respectfully,

SIGNED: *E. R. Brockinridge*
Commissioner in Charge.

1 enclosure.

Through the Commissioner of Indian Affairs.

COPY

Land
20614-1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, April 23, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made April 2, 1902, by C. R. Breckinridge, Esq., Commissioner in charge of the work of the Commission to the Five Civilized Tribes, forwarding the record of proceedings in the matter of the application of Elizabeth Evans for enrollment as an intermarried citizen of the Chickasaw Nation.

The record in this case shows that in 1896 the applicant applied for the enrollment of herself as an intermarried citizen; that she was admitted to citizenship by the Commission; that an appeal was taken from the Commission's decision, and that the United States court for the southern district of the Indian Territory reversed the decision of the Commission and denied enrollment to the applicant.

April 2, 1902, the Commission found that the applicant was not entitled to enrollment, and the office respectfully concurs in its decision and recommends that the same be approved.

Very respectfully,

Your obedient servant,
A.C. Tanner,
Acting Commissioner.

NAV
D

3 inclosures.

(D.C.No. 10516-1902)

(COPY)

J.P.
F.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I.T.D.2725-1902.

June 21, 1902.

L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Referring to your letter of April 2, 1902, you are advised that the Department affirms your decision of April 2, 1902, rejecting the application of Elizabeth Evans for enrollment as an intermarried citizen of the Chickasaw Nation.

It appears that the United States Court for the Southern District, Indian Territory, rejected under the authority contained in the act of June 10, 1896 (29 Stat., 321), the claimant's application as an intermarried citizen of said nation.

The Acting Commissioner of Indian Affairs April 28, 1902, recommended that your decision be concurred in. A copy of his letter is inclosed.

Respectfully,

F. L. Campbell,
Acting Secretary.
END

1 inclosure.

COPY.

Chickasaw 2-53

Nowogee, Indian Territory, July 1, 1908.

Elizabeth Evans,

Durant, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of June 21, 1908, affirmed the decision of the Commission, dated April 2, 1908, refusing the application made by you for the enrollment of yourself as a citizen of the Chickasaw

Yours truly,

(SIGNED)

T. E. Needles.
Commissioner in Charge.

COPY.

Chickasaw B-35

Washago, Indian Territory, July 1, 1908.

Messrs. Mansfield, McKimray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 21, 1908, affirmed the decision of the Commission, dated April 2, 1908, refusing the application made by Elizabeth Evans for the enrollment of herself as a citizen of the Chickasaw Nation.

Yours truly,
(SIGNED)

T. E. Needles.

Commissioner in Charge.

Chic.R. 54

Chic.R. 54

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Colbert, Indian Territory, June 18, 190 .

In the matter of the application for enrollment of Lewis L. Holder and of his wife, as citizens by blood of the Chickasaw Nation. Lewis L. Holder being first duly sworn by Acting Chairman Tamm Bixby, testified as follows:

- What is your name. A Lewis L. ~~Holder~~ Holder.
Q How old are you Mr. Holder? A About fifty-four.
Q What is your postoffice address? A Marietta, I.T.
Q Do you live at Marietta? A Six miles East of there?
Q Are you by occupation a farmer? A Yes sir.
Q Are you a Chickasaw? A I claim it.
Q You make this application as a Chickasaw by blood? A Yes sir.
Q What is your father's name? A James L. Holder.
Q Is your father living? A No sir.
Q What is your mother's name? A Sally Holder.
Q Is she living? A No sir.
Q Who do you claim your rights to Chickasaw blood through? A My father.
Q Was your father's name ever upon any of the rolls of the Choctaw Nation? A Not that I know of.
Q Was he ever recognized as a Chickasaw? A No sir.
Q Was your mother's name ever on any of the tribal rolls of the Chickasaw Nation? A No sir, she was a white woman.
Q To what county in the Chickasaw Nation do you belong? A Panola.
Q How long have you lived in the Indian Territory? A Fourteen years this summer.
Q You have lived here continuously for the past 14 years? A Yes sir.
Q Have you been out of the Territory during the last three years? A No sir.
Q Have you ever been enrolled by the Chickasaw tribal authorities? A No sir.
Q Did you ever apply to the Chickasaw tribal authorities for enrollment as a Chickasaw citizen? A No sir.
Q Did you apply to the Commission to the Five Civilized Tribes in 1896 under the Act of June 10th, 1896? A No sir.
Q This then is your first application? A Yes sir.
Q Have you ever been before the Commission before? A No sir.
Q Are you married? A Yes sir.
Q Have you your marriage license and certificate - - under what law were you married? A Under the United States law.
Q What is your wife's name? A Margaret Marinda Holder.
Q How old is she? A About forty-seven.
Q What is her father's name? A John Loonet; he's dead.
Q What is your wife's mother's name? A Samantha Looney.
Q She living? A Yes sir.
Q Who does your wife claim her rights of citizenship through? A Her mother.
Q Was her mother on any of the Chickasaw tribal rolls? A No sir, not that I know of.
Q Was her mother ever recognized by the Chickasaw tribal authorities as a citizen of the Chickasaw Nation? A No sir not that I know of, but her grand mother was recognized.
Q Her name is not on any of the rolls? A No sir.
Q You claim for your wife by blood, not by marriage? A Yes sir, by blood.
Q You and your wife are first cousins; have you any children? A I have three.
Q Are they under 21 years of age and unmarried? A They are all over 21.
Q We can't hear their application by you, they will have to appear

Lewis L. Holder -2-

for themselves.

Q What proportion of Chickasaw blood does your wife claim to have?

A One-eighth.

Q How much do you claim? A one - eighth.

Q Are there any further statements that you desire to make with reference of your case at the present time? A No sir, I think not.

Q Do you make any claim to recognition by virtue of the judgment in the case of Jno. P. Holder et al? A I don't know, I claim to be blood relation to those Holders.

Q Do you desire to introduce the judgment of the court in that case as evidence in your behalf? A I don't know that it is necessary.

Q Any further statements that you desire to make? A No sir.

Q Any papers that you desire to file? A No sir; I have none now but may file some in the future.

Any papers filed with the Commission in the future will be accepted not for consideration by this Commission but for forwarding to the Honorable Secretary of the Interior for his consideration when the final rolls of the Chickasaw Nation are forwarded to him for approval.

The decision of the Commission in the matter of your application on your own behalf and on behalf of your wife for enrollment as citizens by blood of the Chickasaw Nation will be mailed to you in writing in the near future at your present postoffice address.

A. McElrath, being first duly sworn states that as stenographer to the Commission he reported the foregoing case and that the above and foregoing is a full, true and complete transcript of his stenographic notes in said cause.

A. McElrath

Subscribed and sworn to before me this 22 day of July, 1900.

[Signature]
Acting Chairman.

[Faint handwritten notes, possibly bleed-through from the reverse side.]

11. *Chrysomelidae* (11)
 12. *Chrysomelidae* (11)
 13. *Chrysomelidae* (11)
 14. *Chrysomelidae* (11)
 15. *Chrysomelidae* (11)
 16. *Chrysomelidae* (11)
 17. *Chrysomelidae* (11)
 18. *Chrysomelidae* (11)
 19. *Chrysomelidae* (11)
 20. *Chrysomelidae* (11)

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lewis L. Holder for the enrollment of himself and his wife, Margaret Marinda Holder, as citizens by blood of the Chickasaw Nation.

D E C I S I O N .

It appears from the record in this case that on June 18, 1900, the applicant, Lewis L. Holder, appeared before the Commission at Colbert, Indian Territory, and made application for the enrollment of himself and his wife, Margaret Marinda Holder, as citizens by blood of the Chickasaw Nation.

It appears from the evidence offered in support of said application and examination of the tribal rolls of the Chickasaw Nation in the possession of the Commission that the applicants above named have never been enrolled as citizens of the Chickasaw Nation and that their names do not appear upon the tribal rolls of the Chickasaw Nation.

It further appears from an examination of the records in the possession of the Commission that these applicants have never been admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes, or the legally constituted authorities of the said nation or the United States Court in Indian Territory on appeal in accordance with the act of Congress of June 10, 1896 (29 Stats., 321).

The act of Congress of June 28, 1898 (30 Stats., 495), provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without



authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900 (31 Stats., 221), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is therefore the opinion of this Commission that Lewis I. Holder and his wife, Margaret Marinda Holder, are not lawfully entitled to be enrolled as members of the Chickasaw Tribe of Indians in Indian Territory and that their application as such should be refused, and it is so ordered.

The Commission to the Five Civilized Tribes.


COMMISSIONER.

COMMISSIONER.

Dated at Muskogee, Indian Territory,
this 27 day of January, 1902.

-Copy-

Muskogee, Indian Territory, January 27, 1902.

Lewis L. Holder,

Marietta, Indian Territory.

Dear Sir:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and your wife, Margaret Marinda Holder, as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

yours truly,

(Signed) Tams Bixby

Acting Chairman.

1 enclosure.

Chickasaw B-54.

Registered.

-Copy-

Muskogee, Indian Territory, January 27, 1902.

Mansfield, McMurray & Cernish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Lewis L. Helder, for the enrollment of himself and his wife, Margaret Marinda Helder, as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(Signed) Tams Bixby

Acting Chairman.

2 enclosure.
Chickasaw B-54.
Registered.

COPY.

Muskogee, Indian Territory, January 27, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Lewis L. Holder and his wife, Margaret Marinda Holder, as citizens of the Chickasaw Nation, including the decision of the Commission, dated January 27, 1902, refusing the application for the enrollment of Lewis L. Holder and Margaret Marinda Holder as citizens of said nation.

Respectfully,

SIGNED.

Acting Chairman.

1 enclosure
Chickasaw R-54.

Through the Commissioner
of Indian Affairs.

L.R.S.

12970

J.P.
F?

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

I.T.D. 1135 &
1101-1902.

February 28, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

Your decision of January 27, 1902, rejecting the application for enrollment of Lewis L. and Margaret Marinda Holder as citizens by blood of the Chickasaw Nation, case R 54, in accordance with the act of May 31, 1900 (31 Stat., 221), is hereby affirmed, as recommended by the Commissioner of Indian Affairs in letter of February 14.

Respectfully,

Thos. Ryan,
Acting Secretary.
E.M.D.

COPY.

Muskogee, Indian Territory, March 13, 1902.

Lewis L. Holder,

Narietta, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of February 28, 1902, affirmed the decision of the Commission, dated January 27, 1902, denying the application made by you for the enrollment of yourself and your wife, Margaret Marinda Holder as citizens of the Chickasaw Nation.

Yours truly,

(SIGNED) *I. D. J. Hodges*

Commissioner in Charge

COPY.

Muskogee, Indian Territory, March 13, 1902.

Messrs Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior under date of February 26, 1902, affirmed the decision of the Commission, dated January 27, 1902, denying the application made by Lewis L. Holder for the enrollment of himself and his wife, Margaret Marinda Holder, as citizens of the Chickasaw Nation.

Yours truly,

(SIGNED)

I. E. Needles.

Commissioner in Charge.

Chic .R-55

Chic .R-55

Commission to the Five Civilized Tribes,

South Western, Ind. Terr.

In the enrollment of Belle Wolseywife of Napoleon B. Wolsey-
Napoleon B. Wolsey
as a Chickasaw; being sworn and examined by Com'r McKinnon, who
certifies as follows:

Q What is your name? A ~~NAME~~ Napoleon B. Wolsey.

Q How old are you? A Fifty-one.

Q You present here a license issued by Atchison District Judge
Judge of the county court of Pickett county, Chickasaw Nation,
dated August 8th 1899, to marry Belle Wolsey, were ever you mar-
ried to this woman before? A Yes sir.

Q When? A In 1891.

Q Where? A In Montague county, Texas.

Q Under the Texas law? A Yes sir.

Q Were you separated or divorced from her? A No sir.

Q This was a second marriage then was it? A Yes sir.

Q She was admitted by the United States court at Ardmore was
she? A No sir.

Q Where was she admitted, was she admitted anywhere? A Nowhere.

Q Has she been living here all the while? A Yes sir.

Q Has she been enrolled? A No sir.

Q Never has been? A No sir.

Q Were you admitted? A Yes sir.

Q Then she is the intermarried citizen, she is a white woman?

A Yes sir, she is the intermarried citizen.

Q She is the intermarried citizen? A Yes sir.

Q Which one of you was admitted by the court? A I was.

Q Is an Indian? A Yes sir.

Q Were you admitted as an intermarried citizen? A Yes sir.

Q And this is a white woman? A Yes sir.

1
Sells Volney, Napoleon B. Volney witness (2)

Examined by Chief Clerk Lewis

Q Who did you marry? A Jane Farney.

Q How'r Hakenness? You were admitted as an intermarried citizen
of the Chickasaw Nation? A Yes sir.

Q And this is a white woman you have remarried? A Yes sir.

Commissioner: We cannot enroll her; enrollment is refused.

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify that the above is an official copy as
transmitted to the above named Commission; that this
transcript is true, full and correct translation of
the stenographic notes.
M. D. Owen

COPY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Belle Wolsey as a citizen by intermarriage of the Chickasaw Nation.

D E C I S I O N.

It appears from the record herein that on November 1, 1900, Napoleon B. Wolsey appeared before the Commission to the Five Civilized Tribes at South McAlester, Indian Territory, and made application for enrollment of his wife, Belle Wolsey, as a citizen by intermarriage of the Chickasaw Nation.

Said applicant claims her right to enrollment as a citizen by intermarriage of the Chickasaw Nation by virtue of her marriage on August 8, 1899, to Napoleon B. Woldsey, a recognized and enrolled citizen by intermarriage of the Chickasaw Nation, whose name (as N. B. Wolsey), appears as number 376 upon a list prepared by the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by intermarriage of the Chickasaw Nation, and approved by the Secretary of the Interior August 20, 1904.

It does not appear from the record herein or from the records in possession of this office that said applicant has ever been enrolled as a member of the Chickasaw tribe or admitted to Chickasaw citizenship by a duly constituted court or committee of the Chickasaw Nation, or by the Commission to the Five Civilized Tribes or by a decree of the United States Court in Indian Territory under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321).

I am, therefore, of the opinion that following the ruling of the Department in the case of Emma McMenamin (I.T.D. 11582-1904) that the application made for the enrollment of Belle Wolsey should be denied under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

Signed

Tams Bixby,
Commissioner.

Muskogee, Indian Territory,
Apr. 28, 1906.

C-56
9-C-192.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Belle Woolsey, Ruth Belle Woolsey, Napoleon B. Woolsey and William G. Woolsey as citizens of the Chickasaw Nation.

-: D E C I S I O N :-

It appears from the record herein and from the records in the possession of the Commissioner to the five civilized Tribes that application was made to the commission to the five civilized Tribes at Duncan, Indian Territory, October 17, 1898, by N. B. Woolsey for the enrollment of his minor children, Ruth Belle Woolsey and Napoleon B. Woolsey as citizens of the Chickasaw Nation; that on January 13, 1900, written application was filed for the enrollment of William G. Woolsey, minor child of said N. B. Woolsey and his wife, Belle Woolsey, as a citizen of the Chickasaw Nation; that application was made by Napoleon B. Woolsey at South McAlester, Indian Territory, November 1, 1900, for the enrollment of Belle Woolsey as a citizen by intermarriage of the Chickasaw Nation.

It further appears from the records in the possession of the Commissioner to the five civilized Tribes that the applicants, Belle Woolsey, as Belle P. Woolsey, Ruth B. Woolsey, as Rutha B. Woolsey, and Napoleon B. Woolsey, as Napoleon Bonaparte Woolsey, Jr., were applicants to the commission to the five civilized Tribes for admission to citizenship in the Chickasaw Nation, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321) in Chickasaw citizenship case No. 135; that they were denied citizenship in said Nation by the decision of said commission to the five civilized Tribes on November 11, 1896.

That from this decision an appeal was taken to the United States Court for the southern district of the Indian Territory, which court on December 22, 1897, in the case entitled "N. B. Woolsey, et al., vs. Chickasaw Nation," case No. 81, reversed the decision of the commission as to the applicants, Rutha B. Woolsey and Napoleon Bonaparte Woolsey, Jr., and admitted said applicants to citizenship in the Chickasaw Nation.

Said judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw citizenship court on December 17, 1902, in the test case of the Choctaw and Chickasaw Nations or tribes vs. J. T. Riddle, et al. Said case was subsequently certified to the Choctaw and Chickasaw citizenship court, created under the Act of Congress approved July 1, 1902 (32 Stats., 641), for a trial de novo and on November 29, 1904 said citizenship court in the case entitled "N. B. Woolsey, et al., vs. Choctaw and Chickasaw Nations", (Choctaw-Chickasaw citizenship court case No. 112, Tishomingo pocket), rendered a decision therein, wherein it was ordered, adjudged

and decreed that the petition of the plaintiffs, Ruth Belle Woolsey and Napoleon Bonaparte Woolsey, Jr., be denied, and that they be declared not citizens of the Chickasaw Nation and not entitled to enrollment as such citizens and not entitled to any rights whatever flowing therefrom."

On April 28, 1906, the Commissioner to the five civilized Tribes rendered a decision denying the application for the enrollment of Belle Woolsey as a citizen by intermarriage of the Chickasaw Nation, and on the same date the records with said decision of the Commissioner was forwarded to the Department.

Under the regulations adopted by the Commissioner to the five civilized Tribes, January 2, 1906, there was filed on February 6, 1906, by Cruce, Cruce & Gleason, attorneys for the petitioners, a petition praying for the enrollment of Belle Woolsey, Ruth B. Woolsey and Napoleon B. Woolsey, Jr., as citizens of the Chickasaw Nation.

The petitioner, Belle Woolsey, claims the right to enrollment as a citizen of the Chickasaw Nation by reason of being the wife of N. B. Woolsey. The petitioners, Ruth B. Woolsey, Napoleon B. Woolsey, Jr., and William G. Woolsey, claim right to enrollment by reason of being the children of said Belle Woolsey and N. B. Woolsey.

The records in the possession of the Commissioner to the five civilized Tribes show that N. B. Woolsey, the husband of the petitioner, Belle Woolsey, has been enrolled as a citizen by intermarriage of the Chickasaw Nation by reason of his marriage to one Jane Tussy prior to his marriage to said Belle Woolsey.

I am of the opinion that inasmuch as the application for the enrollment of the petitioner, Belle Woolsey, as a citizen by intermarriage of the Chickasaw Nation, has heretofore been denied by the Commissioner to the five civilized Tribes, the petition herein, in so far as it applies to said Belle Woolsey, should be denied, and it is so ordered.

I am further of the opinion that, following the ruling of the Department of April 24, 1906 (I.T.D. 4048-1906), in the case of Mary Elizabeth Martin, the application for the enrollment of Ruth Belle Woolsey, Napoleon B. Woolsey and William G. Woolsey, and the petition herein, in so far as it applies to said applicants, should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

1906 91

Muskogee, Indian Territory, February 3, 1902.

M. B. Woolsey,

Woolsey, Indian Territory.

Dear Sir:

It does not appear that any evidence of your marriage to Belle Woolsey has been filed with the Commission in the matter of the enrollment of your wife and children as citizens of the Chickasaw Nation. At the time you made application for the enrollment of your wife as an intermarried citizen of the Chickasaw Nation you exhibited a license, issued by Atehison Enionunituby, Judge of the County Court of Pickens county, Chickasaw Nation, dated August 8, 1899, to marry Belle Woolsey.

You also stated that this was a second marriage, your former marriage to Belle Woolsey having been celebrated in Montague county, Texas, in 1891, under the Texas law. It will be necessary that the Commission be supplied with evidence of this marriage, in the matter of the enrollment of your wife and children as citizens of the Chickasaw Nation. You should forward not only the license issued under the Chickasaw law but the license and certificate issued under the Texas law.

Kindly give this matter your immediate attention.

Yours truly,

9 C-194
9 E-88

Acting Chairman.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND

38946-1906

The Honorable,

The Secretary of the Interior.

November 22, 1906.

Sir:

Referring to Department let ter of January 28, 1906 (I.T.D. 11882-1904), this Office has the honor to submit a report from the Commissioner to the Five Civilized Tribes, dated April 28 1906, transmitting the record relative to the application of Belle Wolsey for enrollment as a citizen of the Chickasaw Nation.

On August 8, 1899, Belle Wolsey applied to the Commission to the Five Civilized Tribes at South McAlester, I. T. for enrollment as an intermarried citizen.

On April 28, 1906, the Commissioner decided that the applicant was not entitled to such enrollment.

The applicant claimed that she was entitled to enrollment as an intermarried citizen of the Chickasaw Nation by virtue of her marriage on August 8, 1899, to Napoleon B. Wolsey who is identified under the name of N. B. Woolsey, at No. 376 on a list prepared by the Commission under the provisions of the Act of July 1, 1902 (32 Stats. L. 441), of persons entitled to enrollment as intermarried citizens of the Chickasaw Nation, and approved by the Department on August 20, 1904.

The record does not show that the applicant has ever been enrolled as a member of the Chickasaw tribe by the tribal authorities or admitted to Chickasaw citizenship by a duly constituted court or committee of the Chickasaw Nation, or by a decree of the United States Court in the Indian Territory under the provisions of the Act of June 10, 1896 (29 Stat.L., 321).

In view of the opinion of the Assistant Attorney General for the Department in the case of Emma McMenamin (I.T.D. 11582-1904) the approval of the decision of the Commissioner adverse to the applicant is recommended.

Very respectfully,

C. E. Larrabee,

Acting Commissioner.

HRD

C

J.P.

DEPARTMENT OF THE INTERIOR, LLE
WASHINGTON.

I.T.D. 23676-1906
D.C. 53231-1906

December 1, 1906.

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

April 28, 1906, you transmitted the record in the matter of the application for the enrollment of Belle Welsey as a citizen by intermarriage of the Chickasaw Nation, including your decision of the same date, adverse to the applicant.

Reporting November 22, 1906, (Land 38941), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 2 to Ind. Of.

9-R-55

Waskogee, Indian Territory, December 28, 1906.

Belle Wolsey,

Woolsey, Indian Territory.

Dear Madam :--

You are hereby notified that on December 1, 1906, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes of April 28, 1906, denying the application for your enrollment as a citizen by intermarriage of the Chickasaw Nation.

Respectfully,

Acting Commissioner.

9-R-55

Muskogee, Indian Territory, December 28, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen :--

You are hereby notified that on December 1, 1906, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes of April 28, 1906, denying the application for the enrollment of Belle Wolsey as a citizen by intermarriage of the Chickasaw Nation.

For your information, there is enclosed herewith, copy of the letter referred to above.

Respectfully,

Acting Commissioner.

JWH 28-3

Chic.R-56

Chic.R-56

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
COLBERT, I. T., JUNE 18th, 1900.

In the matter of the application of Ida Furr for enrollment of her infant daughter, Ella Furr as a citizen of the Choctaw Nation, and Ida Furr, being sworn by Acting Chairman, Toms Bixby, testified as follows:

- Q Please state your name? A Ida Furr.
Q How old are you? A Thirty-six (36)
Q For whom are you making this application? A My daughter, Ella Furr.
Q Do you apply as a Choctaw or Chickasaw? A Chickasaw.
Q How old is Ella? A Fourteen years old.
Q Where does she live? A Durant.
Q Choctaw Nation? A Yes sir.
Q How long has she lived at Durant? A Only one year.
Q You live there with her, do you? A Yes sir.
Q Where did you live prior to moving to Durant, a year ago?
A Up here by Thackerville, Chickasaw Nation.
Q How long did you live at Thackerville? A Nearly all my life;
I was raised there.
Q Your daughter has not been living with you all this time?
A No sir; I have not had her with me much since her father died.
Q When did he die? A In 1894.
Q Where has the child been in the mean time? A Ardmore, Marietta, Thackerville, Gainesville and last year she was at Denison going to school.
Q The school year of 1898 and 1899? A Yes sir.
Q She has always made her home with you, has she? A Yes sir.
Q What is the name of her father? A Joshua Furr.
Q Was he a Choctaw or Chickasaw? A Chickasaw.
Q What proportion of Chickasaw blood did he claim? A Half blood.
Q What proportion of Chickasaw blood do you claim for your daughter?
A One fourth.
Q You are a white woman? A I have Cherokee, but I do not claim it.
Q Your father claims Cherokee blood? A Yes sir.
Q What proportion of Cherokee blood does your father claim?
A One half.
Q Where does he live? A He lived in Texas, he is dead now.
Q Did he ever live in the Cherokee Nation? A Before I was born; he did not tell me.
Q How old did you say you were? A Thirty-six.
Q Did you ever live in the Cherokee Nation? A No sir.
Q Was your name ever on the rolls of the Cherokee Nation? A No sir.
Q Did you ever draw any money in the Cherokee Nation? A No sir.
Q Does the name of your child or your name appear upon any of the Chickasaw tribal rolls as citizens of the Chickasaw Nation?
A No sir, unless it is some of her father's people.
Q Did you ever appear before this Commission before for the purpose of enrolling her? A No sir.

Roll of Chickasaw citizens, prepared by the tribal authorities in 1896 examined and the name of Ella Furr not found thereon.

- Q Did you ever apply to the Chickasaw tribal authorities for citizenship in the Chickasaw Nation? A No sir.
Q She (Ella Furr) was never recognized by the Chickasaw tribal authorities as a Chickasaw Indian? A No sir.
Q Did you apply in the year 1896 to the Bowen Commission for citizenship in the Chickasaw Nation for your daughter? A No sir.
Q Where and when were you married? A In Gainesville, Cook County, Texas, in 1886.
Q Were you married under the Texas law? A Yes sir; I ran away and married; that is how come me to marry in Texas.

- Q You were living in the Chickasaw Nation when you ran away and married your husband? A Yes sir.
- Q You were never recognized by the Chickasaw tribal authorities as a citizen, were you? A No sir.
- Q Was your husband? A No sir, not that I know of.
- Q Do you desire to offer in evidence at this time your marriage license and certificate? A No sir.
- Q Is there any additional statement with reference to your case that you desire to offer at this time? A No sir.
- Q Have you any papers you desire to file at this time? A No sir.
- Q Any affidavits or papers? A I will send them up later on.

Any affidavits or papers you may file with the Commission at a later date can not be considered by the Commission for your child's enrollment as a Chickasaw Indian, but such papers will be filed by the Commission, if presented for such purpose, and forwarded with the record and any other papers which may now be on file in connection with your application for your daughter, to the honorable Secretary of the Interior for his consideration, when the rolls of citizens of the Chickasaw Nation are sent him for his approval.

A copy of the decision of the Commission, in writing, in the matter of the application of your daughter for citizenship in the Chickasaw Nation will be furnished you at a later date, mailed to you at your present Post-office address.

R. R. Gravens, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing case, and that the foregoing and above is a true, full and correct transcript of his stenographic notes in said case.

R. R. Gravens

Sworn to and subscribed before me this 26th day of June, 1900.



ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN the matter of the application of Ella Furr for enrollment as a citizen by blood of the Chickasaw nation.

DECISION.

It appears from the record in this case that on June 18, 1900, Ida Furr, appeared before the Commission at Colbert, Indian Territory, and made application for the enrollment of her minor daughter, Ella Furr, as a citizen by blood of the Chickasaw Nation.

It appears from the evidence offered in support of said application and examination of the tribal rolls of the Chickasaw Nation in the possession of the Commission that Ella Furr has never been enrolled as a citizen of the Chickasaw Nation and that her name does not appear upon the tribal rolls of the Chickasaw Nation.

It further appears from an examination of the records in the possession of the Commission that Ella Furr has never been admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes, or the legally constituted authorities of the said nation or the United States Court in Indian Territory on appeal in accordance with the act of Congress of June 10, 1896 (29 Stats., 321).

The act of Congress of June 28, 1898 (30 Stats., 495), provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made,

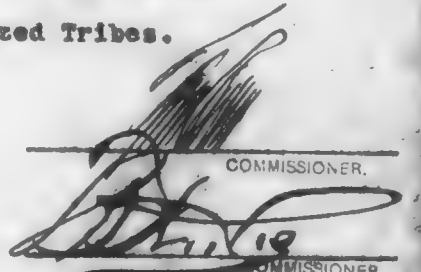
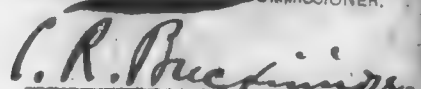
with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900 (31 Stats., 221), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is therefore the opinion of this Commission that Ella Furr is not lawfully entitled to be enrolled as a member of the Chickasaw Tribe of Indians in Indian Territory and that her application as such should be refused, and it is so ordered.

The Commission to the Five Civilized Tribes.


COMMISSIONER.

C. R. Buckner
COMMISSIONER.

Dated at Muskogee, Indian Territory,
this 27 day of January, 1902.

MARRIAGE LICENSE.

STATE OF TEXAS,)
Cooke County)

To any Judge of the County or District Court, Regularly Licensed or
Ordained Minister of the Gospel, Jewish Rabbi, or Justice
of the Peace, in and for said County of Cooke, Greeting:

You are hereby authorized to solemnize the Rites of Matri-
mony between Mr. Joshua Furr and Miss Ida Campbell and make due re-
turn to the Clerk of the County Court of said County within sixty
days thereafter, certifying your action under this License.

WITNESS my official signature and seal
of office at office in Hainesville,
this 17th day of Decr A. D. 1884

A. J. Thompson
Clerk of the County
Court, Cooke Co.

L. S.

Deputy.

I Thomas Willis hereby certify that on the 17 day of Decr A. D. 1884
I united in marriage Joshua Furr and Miss Ida Campbell the parties
above named. Witness my hand this 17 day of Decr A. D. 1884.

Thomas Willis

Justice of the Peace.

Returned and filed for Record the 30 day of Decr A. D. 1884
and Recorded the 30 day of Decr 1884

A. J. Thompson
Clerk.

The State of Texas,)

County of Cooke.)

I, A. J. Thompson, Clerk of the County Court
of Cooke County, hereby certify that the above and foregoing one
pages of writing is a true and correct copy of a Marriage License as
it appears of record in my office, in Volume 4, Page 398 Record of
Marriages Cooke County, Texas.

To certify which I hereunto set my hand and
official seal, at office, in the City of
Gainesville, Texas, this 21st day of July
1900.

A. J. Thompson

County Clerk, Cook County,
Texas

(Seal)

By E. M. Thompson
Deputy.

Endorsed on back:

"Marriage license, Joshua Furr and Miss Ida Campbell
Issued Decr 17th 1884

A. J. Thompson,

County Clerk

By _____ Deputy.

Recorded in Book 4 Page 398 Marriage Records.

A. J. Thompson,
Clerk.

Department of the Interior
Commission to the Five Civilized Tribes
Filed Sep 4 1900

Tam Bixby
Acting Chairman.

In the matter and application of Mrs. Ida Furr and her child for citizenship in the Chickasaw Nation.

In the Southern District of Indian Territory.

Personally appeared W. J. Kennedy, before me the undersigned Authorized Notary Public in and for said Cleveland County, Oklahoma Territory, and after being duly sworn according to law, deposeth and says My name is W. J. Kennedy my age 36 years my post office, Fox, I. I. I am personally acquainted with Mrs. Ida Furr and her daughter Ella Furr. I know Joshua Furr a Chickasaw Indian who died sometime in the year 1888 in the County of Pontatock Chickasaw Nation Indian Territory who was the husband of Mrs. Ida Furr and is the father of Ella Furr and Ella Furr is Chickasaw child by birth and has a right in the Chickasaw Nation and entitled to enrollment as such Chickasaw Indian. I make this statement from my own personal knowledge and for Justice.

W.J .Kennady.

Subscribed and sworn to before me this 21 day of August 1900.

(Seal).

Frank P. Cease,

Notary Public.

My Com Ex Feb. 11, 1901.

Endorsed on back.

Department of the Interior.
Commission to the Five Civilized Tribes.
Filed Sep 17 1900

Tamm Bixby,
Acting Chairman."

Choc. nation

MEMORANDA.

1900

(Date) June 18 1899

Name Ella Burr (41) - Durant, G. T.

Choctaw? No. County not on roll Year 1885 No.

Chickasaw? Yes County " Year 1896 Page

Citizen by blood? Yes Mother's citizenship U.S.

Intermarried citizen? No

Married under what law?

License filed this day,

Wife's name,

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.

CHICKASAW

(mother) - Ida Burr (U.S.)

(father) - Joshua Burr (DEAD)

Claims 1/2 Chic blood

Enrolled by mother's

Muskogee, Indian Territory, August 30, 1900.

Henry Byington,

Caddo, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 27th instant in which you request that the application and judgment in the matter of the enrollment of Ella Fur, made by her mother, Ida Fur, before the Commission at Colbert, Indian Territory, June 18th, 1900, be furnished you.

You are informed that the Commission has not up to this time rendered any judgment in this case but will do so in the near future when a copy of such judgment will be mailed to the applicant at her post-office address. There is enclosed you herewith a copy of the testimony of Ida Fur who appeared before the Commission in behalf of her daughter.

You state in your letter that you have forwarded to the Commission the marriage license and certificate of Joshua and Ida Fur but a careful search of the records does not disclose any such papers. If you will kindly state what time you forwarded them, the Commission will endeavor to locate the same.

Yours truly,

Enc a

Acting Chairman.

In reply please
refer to 9-4-56

Muskogee, Indian Territory,

September 5th, 1900.

Henry Byington,

Caddo, Indian Territory.

Dear Sir:-

The Commission is in receipt of your letter of July 30th, enclosing marriage certificate between Joshua Farr and Ida Cambell, requesting that the same be filed in the matter of the application of Ida Farr, and the same has been filed with the records of this Commission.

Yours truly,

9-R 56

Acting Chairman.

Muskogee Indian Territory, September 27, 1900

Ida Furr,

Caddo, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of the 15th instant, enclosing the affidavit of William J. Kennedy offered for filing in the matter of the application made for your daughter, Ella Furr, as a citizen by blood of the Chickasaw Nation.

The same has been duly filed with the other records in this case and will receive the consideration of the Commission in the disposition of the same.

Yours truly,

Acting Chairman.

9-R-56

Copy

Muskogee, Indian Territory, January 27, 1902.

Ida Furr,

Durant, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of your minor child Ella Furr as a citizen of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(Signed) Tams Bixby

Acting Chairman.

1 inclosure
Chickasaw R 36
Registered.

Copy

Muskogee, Indian Territory, January 27, 1903.

Mansfield, McMurray & Cernich,

Attorneys for the Choctaw & Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Ida Furr for the enrollment of her minor child Ella Furr as a citizen of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(Signed) Tams Bixby

Acting Chairman.

1 inclosure.
Chickasaw R 56
Registered.

Copy

Muskogee, Indian Territory, January 27, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Ella Furr as a citizen of the Chickasaw Nation, including the decision of the Commission, dated January 27, 1902, refusing the application for the enrollment of Ella Furr as a citizen of said nation.

Respectfully,

(Signed) Tams Bixby

1 inclosure
Chickasaw R 56

Acting Chairman.

Through the Commissioner
of Indian Affairs.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
-MAR 18 1902-


CHAIRMAN.

D. C. No. 3776-1902.

(COPY)

L. R. S.

12970

J. P .
F.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

I.T.D.1132 &
1101-1902.

February 28, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Your decision of January 27, 1902, rejecting the application for enrollment of Ella Furr, as a citizen by blood of the Chickasaw Nation, case R 56, in accordance with the act of May 31, 1900 (31 Stat., 221), is hereby affirmed as recommended by the Commissioner of Indian Affairs in letter of February 14.

Respectfully,

Thos Ryan

Acting Secretary.

END

COPY

Muskogee, Indian Territory, March 13, 1902.

Messrs Mansfield, McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of February 28, 1902, affirmed the decision of the Commission, dated January 27, 1902, denying the application made by Ida Furr for the enrollment of her minor child, Ella Furr, as a citizen of the Chickasaw Nation.

Yours truly,

AS GIVE

T. D. Woodson

Commissioner in Charge.

COPY.

Muskegee, Indian Territory, March 15, 1902.

Ida Furr,

Durant, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of February 28, 1902, affirmed the decision of the Commission, dated January 27, 1902, denying the application made by you for the enrollment of your minor child, Ella Furr, as a citizen of the Chickasaw Nation.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

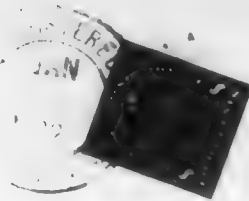
Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Ida Parr,

7 R. 6

Durant,

Indian Territory.



Chic. R. 57

Chic. R. 57

987

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Colbert, Indian Territory, June 18, 1900.

In the matter of the application for enrollment of Cellie Howard and her minor children as citizens by blood of the Chickasaw Nation. Cellie Howard being first duly sworn by acting Chairman Tam. Pixby, testified as follows:

- Q What is your name? A Cellie Howard.
- Q How old are you? A I don't know exactly, but as near as I can remember I am about thirty-eight.
- Q What is your postoffice address? A Kemp, I.T.
- Q Where do you live? A Near Bloomfield Academy; In the Chickasaw Nation
- Q Are you on any of the tribal rolls of the Chickasaw Nation. A I don't know; My papers was sent to Washington and they said they would send my papers to the Dawes Commission, but I don't know whether they were filed or not.
- Q Were you ever recognized by the Chickasaw authorities as a Chickasaw citizen? A No sir.
- Q What was your father's name? A Johnson
- Q What Johnson? A All I know is just Johnson, he died before I was born.
- Q What is your mother's name? A Sarah Johnson.
- Q Is she living? A No sir.
- Q Through whom do you claim your Indian blood? A From my mother.
- Q How much was she? A She was three-quarters. I was told that, she died when I was small.
- Q How much Chickasaw blood do you claim to have? A I claim one-half.
- Q Was your mother ever recognized by the tribal authorities of the Chickasaw Nation as a citizen? Q I was told that she was.
- Q When did she die? A She died when I was a small child
- Q Do you know whether she was on the Chickasaw rolls or not. A I don't know.
- Q You don't know anything about that? A No sir, I don't know.
- Q You claim to be a Chickasaw Indian? A Yes sir.
- Q You don't know whether your name is on the Chickasaw rolls or not? A No sir, if it is I don't know it.
- Q When were you before the Commission, last fall? A October a year ago; 1898.
- Q Where? A Here at this place.
- Q When you appeared before this Commission last fall, a year ago 1st October what action did they take? A Not any at all.
- Q Did they refuse your enrollment? A No sir. They did not refuse it but they said they would have to send my papers - - - I don't remember now how they did tell it, but then my lawyer sent the papers; they said they would not enroll anything but what had been enrolled and I sent my papers to Washington they said I would have to send my papers to Washington.
- Q How long have you lived in the Indian Territory? A Only six years.
- Q You have lived here continuously for the past six years? A Yes sir.
- Q Where did you come from? A Texas. I lived in Texas since I was a small child; I was born in the Chickasaw Nation; was carried out when I was a small child and never come back 'till six years ago.
- Q When was it that you were carried away from the Indian Territory? A I can't tell, I was not large enough to remember.
- Q Do you know another Cellie Howard? A No sir.
- Q Do you know one Lilly White? A She is dead
- Q Who is Harriet White? A I don't know sir.

Collie Howard -2-

Q Was your mother a white woman? A No sir, she was 3/4 Chickasaw.

Q What was your father? A I did say, he was one-quarter, I never did see him, I don't remember if I ever made application to the Commission in 1896, I made several of them but then I never did get any hearing; I made one but I don't remember if it was in 1896 or not; I made one at Tishomingo 4 years ago.

Q Who did you apply to, the Commission? A I don't know, my lawyer did it I don't know who he did apply to.

Q That was in 1896? A Yes sir.

Q Was there any question raised as to your being a freedman of the Chickasaw Nation at that time? A No sir.

Q Was there anything in your application made to the Commission in 1896 to the effect that your parents were Freedmen? A No sir not that I know of.

Q Did you appear in person at that time? A No sir.

Q Have you ever made an application to this Commission for citizenship as a Freedman of the Chickasaw Nation? A No sir, I never have been known with no freedmen, I didn't have no right with the freedmen for I never was a slave.

Q Are you married? A Yes sir.

Q What is your husband's name? A Tom Howard.

Q Is he living? A Yes sir.

Q You don't claim for him? A No sir.

Q How old is he? A About forth-eight

Q Under what law were you married? A Under Texas law.

Q Have you any children under 21 years of age and unmarried?

A Yes sir.

Q Give their names and ages? A Arthur 12, Sarah 16, Tennie 14, Devoid 12, Elroy 9, Doreyl 6, Ella May 5, Helvin 1.

Q You are the mother of all these children? A Yes sir.

Q Tom Howard is their father? A Yes sir.

Q Any additional statements that you desire to make at this time in regard to your case? A No sir

Q Are there any papers that you desire to file? A No sir I have no papers with me at all.

The decision of the Commission as to the application of yourself and on behalf of your minor children for enrollment as Chickasaw citizens by blood will be mailed to you in writing at your present postoffice address in the near future.

A. McElrath, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing case and that the above and foregoing is a full, true and complete transcript of his stenographic notes in said cause.

Subscribed and sworn to before me this 17 day of July, 1900.

Wm. E. Chatham

Wm. E. Chatham
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Cellie Howard for the enrollment of herself and her eight minor children, Arthur, Sarah, Tennie, Devold, Elrey, Dereyl, Ella May and Melvin Howard as citizens by blood of the Chickasaw Nation.

DECISION.

It appears from the record in this case that on June 18, 1900, Cellie Howard, the applicant, appeared before the Commission at Colbert, Indian Territory, and made application for the enrollment of herself and her eight minor children, Arthur, Sarah, Tennie, Devold, Elrey, Dereyl, Ella May and Melvin Howard as citizens by blood of the Chickasaw Nation.

It appears from the evidence offered in support of said application and examination of the tribal rolls of the Chickasaw Nation in the possession of the Commission that the applicants above named have never been enrolled as citizens of the Chickasaw Nation and that their names do not appear upon the tribal rolls of the Chickasaw Nation; neither does it appear that they have been admitted to citizenship in the Chickasaw Nation by the legally constituted authorities of the said nation.

It further appears from an examination of the records in the possession of the Commission that Cellie Howard applied to the Commission to the Five Civilized Tribes in 1896 for citizenship in the Chickasaw Nation, under the act of Congress of June 10, 1896 and was by the Commission denied citizenship in the Chickasaw Nation in Chickasaw case No. 64 and that no appeal was taken from the said decision of the Commission to the United States Court in Indian Territory within the time prescribed by the act of Congress.

of June 10, 1896 (29 Stats., 321).

The act of Congress of June 28, 1896 (30 Stats., 495),
provides:

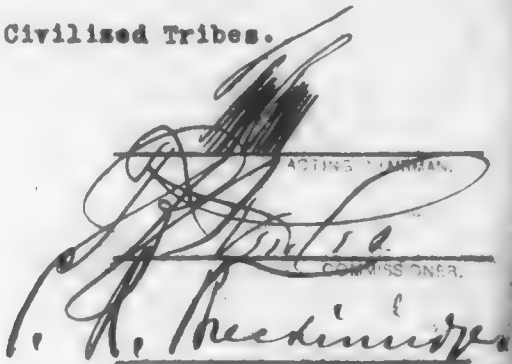
"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900 (31 Stats., 221),
provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is therefore the opinion of this Commission that Cellie Howard and her eight minor children, Arthur, Sarah, Tennie, Devoid, Elroy, Deroyl, Ella May and Melvin Howard are not lawfully entitled to be enrolled as members of the Chickasaw Tribe of Indians in Indian Territory and that their application as such should be refused, and it is so ordered.

The Commission to the Five Civilized Tribes.


ACTING CHAIRMAN.
COMMISSIONER.
A. R. Neeshinover
COMMISSIONER.

Dated at Muskogee, Indian Territory,

This 3d day of February, 1902.

CENTRAL DISTRICT.

INDIAN TERRITORY.

I, L. D. Horton, after having been first duly sworn state that I did on this day deposit in the United States post office at Durant, Indian Territory, one Registered letter containing a true and correct copy of the petition of Silla Howard addressed to the Honorable Secretary of the Interior at Washington, D. C. in the matter of the Application for enrollment of the said Silla Howard and her children named therein as citizens of the Chickasaw Nation by blood and that there was annexed to said petition a copy of the affidavit of Katie O'Brien which is annexed to the inclosed petition and that said letter containing said papers was by me addressed to Messrs. Mansfield, McMurray and Cornish, attorneys for the Chickasaw Nation at South McAlester, Indian Territory and that the Postal receipt hereto annexed is the receipt for said letter.

L. D. Horton.

Subscribed and sworn to before me this the 14th day of April 1906.

Charles A. Phillips,

Notary Public.

My Commission expires on the 18th day of February 1908.

DEPARTMENT OF THE INTERIOR,
BEFORE THE HONORABLE ETHAN
ALLEN HITCHCOCK, SECRETARY OF
THE INTERIOR, WASHINGTON, D. C.

IN THE MATTER OF THE APPLICATION
FOR THE ENROLLMENT OF SILLA
HOWARD AS A CITIZEN OF THE CHICK-
SAW NATION, BY BLOOD.

Comes now, Silla Howard for herself and for her children, Arthur Sarah, Tennie, Devold, Elroy, Deroyal, Ella May and Melvin Howard who are applicants with her for enrollment as citizens by blood of the Chickasaw Nation and by leave of the Honorable Secretary of the Interior, first granted, asks permission to file this her application to procure to be set aside and vacated the judgement of the Honorable Commission to the Five Civilized Tribes made and rendered in the above cause on the 3rd day of Feb. 1902 and for cause states-

That she is a citizen by blood of the Chickasaw Nation, being about three quarters Chickasaw and one fourth white blood.

She further states that in June 1900 she applied for enrollment of herself and children and was heard by said commission that she being ignorant of what was necessary to be proven in her case did not know the necessity of procuring her evidence to be corroborated by other witnesses and that the only evidence taken in said case was that of her own- That she was raised an orphan and never knew her mother and father and could not identify herself with any family of Indians by positive proof.

That something about two years ago she employed council to represent her in her application to petition for a review of said case and paid him therefor, but that she is informed that he has taken no steps whatever in said case and that she did not know the necessity of proceeding further herein, until recently.

She further states that she is now about 40 years of age

and that her mother's name was Greenwood and that she was a full-blood Chickasaw Indian woman and lived and died in the Chickasaw Nation Indian Territory and that this applicant was born in said nation and resided from the death of her mother, which occurred while she was quite small until she was about twelve years of age with Mrs. Kate O'Brien in said Chickasaw Nation- That at about the age of twelve years she was taken off to the state of Texas by an old lady whom the people called Aunt Hannah, and whose surname applicant does not remember. That after living with her about one year she was taken by a family of people, whose names were Williams, consisting of an aged man and an aged woman, the Mr. Williams was called William and his wife was called Cendirilla. That she was taken by them to San Antonio, Texas, or near there and that after living with them about a year she married Thomas Howard and moved back to the Chickasaw Nation.

That she has frequently seen Mrs. O'Brien since her return to the Indian Territory and recognize her as being the woman who raised her till she was about twelve years of age- She is about half blood Chickasaw Indian by blood and now lives near Russett, I. T.

She further states that altho she never saw her father, yet she is informed and believes that he was a white man, or perhaps part white and part Chickasaw Indian by blood. That he died while she was very small.

She further states that she can prove by Mrs. M. E. Yearion who lives near Kemp, Indian Territory, that she, Mrs. M. E. Yearion is a descendant of the Chickasaw Family of Indians by the name of Greenwood and that her Indian blood is derived from the same source that Mrs. Howard's blood is derived and that the said Mrs. Yearion is an enrolled Chickasaw Indian by blood- That the said Mrs. Yearion is now at home sick and she could not procure her affi-

davit to file herewith.

She further states that the said Katie O'Brien above mentioned will testify that this petitioner is a Chickasaw Indian and that she knew petitioner's mother and that she was a full-blood Chickasaw woman and that she was a resident of said territory.

She annexes hereto the affidavit of the said Katie O'Brien as exhibit "A" hereto and will produce her in person, with other witnesses at such time and place as may be assigned by the honorable Secretary of the Interior or the Honorable Commissioner to the Five Civilized Tribes.

She therefore prays, that this application be accepted and filed and duly considered and that this cause be referred back to the Honorable Commissioner to the Five Civilized Tribes for such other proceedings as may be deemed proper and right and that upon a final hearing that the petitioner and her said children be enrolled and for all proper orders and decrees. Petitioner's address, Kemp, I. T.

L. D. Horton,
Atty. for Petition.

Post office, Durant, I. T.
Central Judicial District,
Indian Territory.

I, Silla Howard, after having been first duly sworn state that the facts set forth in the foregoing petition are true.

her
Silla x Howard,
mark
Subscribed and sworn to before me this the 11th day of April 1906.

Charles A. Phillips,
Notary Public.

United States of America,
Southern District, Indian Territory, S. S.

Katie O'Brien being first duly sworn, on oath says that she is fifty six (56) years of age, that she is a Chickasaw Indian citizen by blood That she has lived in the Indian Territory all her life.

That she is personally acquainted with Cilla Howard formerly Cilla Johnson. That she was personally acquainted with the mother of Cilla Howard whose maiden name was Greenwood who was a full blood Chickasaw Indian. That she knew Cilla Howard's mother all her life, that they grew up together, and that she knew the Greenwood family and that they were all Chickasaw Indian citizens.

That Cilla Howard, formerly Cilla Johnson was born about 1870 and that affiant knew her from the time of her birth till she was about ten or twelve years old, that she during that time was living in the Chickasaw Nation on Wachita River near what was then known as the Greenwood crossing near what is now the town of Earl. That when Cilla Johnson was about ten or twelve years old she was taken away from her old home, her parents both being dead, by some white people, and that affiant did not see her again till 1895 and has seen her three or four times since 1895.

Affiant firmly believes that Cilla Howard wife of Tom Howard who now lives near Kemp, Ind. Ter. and who is making application to be placed on the rolls as a Chickasaw citizen is the same Cilla Johnson whom this affiant knew when a child the daughter of Greenwood a Chickasaw Indian citizen.

Katie OBrien.

Sworn to before me and in my presence subscribed this 25rd day of February 1906.

J. R. Hodge
Notary Public.

My commission expires
March 3rd 1908.

Chickasaw blood



Cilla Howard, 38.-

1/2 — Kemp, J. C.

Father: Johnson - Dead.

Mother: Sarah Johnson - Dead.

Claims 3/4 blood for mother.

Husband: Tom Howard 48:

18 Arthur Howard

16 Sarah " "

14 Jennie " "

12 David " "

9 Ebroy " "

6 David " "

5 Ella May " "

1 Melvin " "

OK

Rejected by Daves
Com. in 1896.

COPY.

Muskogee, Indian Territory, February 3, 1902.

Cellie Howard,

Kemp, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and your eight minor children, Arthur, Sarah, Tennie, Devoid, Elroy, Deroyl, Ella May and Melvin Howard, as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

RESPECTFULLY,
Samuel D. Dwyer.

Acting Chairman.

1 enclosure
Chickasaw R 54
Registered.

COPY.

Muskogee, Indian Territory, February 3, 1902.

Messrs Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Cellie, Arthur, Sarah, Tennie, Devold, Elroy, Dereyl, Elly May and Melvin Howard, as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED)

Samuel D. Dwyer

Acting Chairman.

1 enclosure
Chickasaw R 24
Registered

COPY

Muskegee, Indian Territory, February 3, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Cellie Howard for the enrollment of herself and her eight minor children, Arthur, Sarah, Tennie, Devold, Elroy, Dereyl, Ella May and Melvin Howard as citizens of the Chickasaw Nation, including the decision of the Commission, dated February 3, 1902, refusing the application for the enrollment of Cellie, Arthur, Sarah, Tennie, Devold, Elroy, Dereyl, Ella May and Melvin Howard as citizens of said nation.

Respectfully,

SIGNED

Tame Doby.

Acting Chairman .

1 enclosure
Chickasaw R 517

Through the Commissioner of Indian Affairs.

C O P Y

Refer in reply to the following:

Land.
2473-1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, February 15, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is inclosed herewith a report from the Acting Chairman of the Commission to the Five Civilized Tribes dated February 3, 1902, forwarding for the Department's consideration the record of proceedings in the matter of the application of Cellie Howard for the enrollment of herself and her eight minor children, Arthur, Sarah, Tennie, Devold, Elroy, Deroyl, Ella May, and Melvin Howard, as citizens of the Chickasaw Nation.

February 3, last, the Commission found that the applicants were not entitled to enrollment in the Chickasaw Nation as citizens thereof.

The record shows that in 1896 Cellie Howard applied to the Commission for enrollment in the Chickasaw Nation; that her application was denied and that no appeal was taken from the decision of the Commission. The office believes that the Commission's action in 1896 was final so far as the rights of the applicant to enrollment in the Chickasaw Nation is concerned, and that its decision rendered February 3, 1902, denying the right to enrollment in the Chickasaw Nation of the

- 2 -

applicants above named, is correct. The office therefore respectfully recommends that the action of the Commission be approved.

Very respectfully,

Your obedient servant,

W. A. JONES.

Commissioner.

GAV

3 inclosures

C O P Y

13690

L. R. S.

J.P.
P.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

I.T.D.1171-1902.

March 3, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

February 15, 1902, the Commissioner of Indian Affairs transmitted the papers in the matter of the application for enrollment of Cellie, Arthur, Sarah, Tennie, Devid, Elroy, Deroyl, Ella May and Melvin Howard as citizens of the Chickasaw Nation, and recommended that your decision of February 3, 1902, rejecting said application in accordance with the act of May 31, 1900 (31 Stat., 221) be approved.

The Department affirms your decision. Copy of the Commissioner's letter is inclosed.

Respectfully,

(Signed) THOS. H. HAN
Acting Secretary.
THH

1 inclosure.

COPY.

Muskogee, Indian Territory, August 14, 1902.

Mrs. Selley Howard,
Kemp, Indian Territory.

Dear Madame:

The Commission is in receipt of your letter of the 11th instant requesting information relative to your application for the enrollment of yourself and your eight minor children as citizens of the Chickasaw Nation.

In reply you are advised that it appears from the records of the Commission that on February 3, 1902, the Commission refused the application for the enrollment of yourself and your eight minor children, Arthur, Sarah, Tennie, Devola, Elroy, Dorkal, Ella May and Melvin Howard, as citizens by blood of the Chickasaw Nation, and on March 3, 1902, the decision of the Commission was affirmed by the Secretary of the Interior. The records of the Commission further show that on March 15, 1902, you were advised by the Commission of the rejection of your said application.

Yours truly,

SIGNED *Tams Bixby.*

Acting Chairman.

COPY.

Waskagee, Indian Territory, November 15, 1902.

Hatchett & Hatchett,

Attorneys at Law,

Durant, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 11th instant, in which you desire to be advised if the names of Sylla Howard, Ella Howard, Arthur Howard, Sarah Howard, Tinnie Howard, LeVoy Howard, Elroy Howard, De Roy Howard and Melvin Howard are on the rolls of the Choctaw or Chickasaw Nations.

In reply to your letter you are advised that it appears from our records that on June 18, 1900, Cellie Howard made application for the enrollment of herself and her minor children, Arthur, Sarah, Tinnie, Devold, Elroy, Deroyl, Ella May and Melvin Howard as citizens by blood of the Chickasaw Nation. On February 3, 1902, the Commission rendered a decision refusing such application and on March 3, 1902, the Secretary of the Interior affirmed the decision of the Commission.

The names of these persons do not appear upon any of the tribal rolls of the Choctaw or Chickasaw Nations in our possession.

Respectfully,

SIGNED *Tams Bixby.*

COPY.

9-K-57

Muskogee, Indian Territory, September 20, 1904.

Gilla Howard,

Kemp, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of recent date requesting to be advised relative to the status of the application for enrollment of yourself and minor children as citizens of the Chickasaw Nation.

You are informed it appears from our records that Gilla Howard and her minor children Arthur, Sarah, Tenie, Devold, Elroy, Derold, Ella May and Melvin Howard made application for enrollment June 18, 1900. On February 3, 1902 the Commission rendered its decision refusing the enrollment of Gilla Howard and her children named herein, as citizens by blood of the Chickasaw Nation, and a copy of said decision was forwarded to Gilla Howard, Kemp, Indian Territory, February 3, 1902.

On March 3, 1903 the Secretary of the Interior approved the decision of the Commission in the matter and the action taken therein refusing your enrollment and the enrollment of your children as citizens of the Chickasaw Nation became final.

Respectfully,

SIGNED *Tame Bixby.*
Chairman.

COPY.

Muskogee, Indian Territory, December 22, 1905.

Phillips, Horton & Phillips,

Attorneys at Law,

Durant, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of December 18, 1905, asking the status of the application of Silla Howard a rejected Chickasaw claimant; you state that she represented to you that she was rejected by the Commission to the Five Civilized Tribes as a citizen by blood and that the case was referred to the Secretary of the Interior and has been by him referred back for further action; you therefore ask whether further evidence is necessary and when it will be convenient for the same to be heard.

In reply to your letter you are advised that on February 3, 1902, the Commission to the Five Civilized Tribes refused the application of Cellie Howard for the enrollment of herself and her children Arthur, Sarah, Tennis, Devold, Elroy, Deroyl, Ella May and Melvin Howard as citizens by blood of the Chickasaw Nation and on the same date the record in the case together with the decision was transmitted to the Secretary of the Interior, March 3, 1902. This action was affirmed by the Secretary of the Interior and the case

PH&P 2

is therefore considered closed. This office has not been advised of further action therein by the Department.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

9-3-57

COPY.

Muskogee, Indian Territory, April 19, 1906.

T. D. Horton,

Attorney at Law,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 14, 1906, inclosing petition for review and reopening of the application for the enrollment of Silla Howard et al., as citizens by blood of the Chickasaw Nation.

In compliance with your request the same has this day been transmitted to the Secretary of the Interior.

Respectfully,

SIGNED *Wm. O. Beall.*

Acting Commissioner.

COPY.

Muskogee, Indian Territory, April 21, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

February 3, 1902, the Commission to the Five Civilized Tribes rendered its decision refusing the application of Cilla Howard for the enrollment of herself and her eight children as citizens by blood of the Chickasaw Nation, which action was approved by the Secretary of the Interior on March 3, 1902.

I have the honor to transmit herewith a motion of L. D. Horton, for review and rehearing of the application for the enrollment of Cilla Howard et al., as citizens of the Chickasaw Nation.

Respectfully,

SIGNED

Wm. O. Doall.

Acting Commissioner.

Chickasaw R 87.

Through the Commissioner
of Indian Affairs.

JBJ.

D.C.21514. DEPARTMENT OF THE INTERIOR, LIB
I.T.D.9156-1906.
WASHINGTON.

L.R.S.

May 25, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

April 21, 1906, you transmitted a motion for review and rehearing in the matter of the application of Cellie Howard for the enrollment of herself and her eight minor children, Erthur, Sarah, Tennie, Devold, Elroy, Deroyl, Ella May and Melvin Howard, as citizens by blood of the Chickasaw Nation.

The records of the Department show that on February 3, 1902, the Commission to the Five Civilized Tribes rendered its decision, adverse to the applicants. The decision of the Commission was affirmed by the Department March 3, 1902.

A consideration of the motion, together with the record in the case, discloses no proper reason for the Department to set aside its previous action. Finding no merit in this motion the Department adheres to its former decision, and said motion is hereby denied.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

Durant, Ind. Ter. July 19th 1906.

Hon. Etah A. Hitchcock,
Secretary of the Interior,
Washington, D. C.

Dear sir:

I am writing you in the interest of Mrs. Silla Howard et al who are applicants for enrollment as citizens by blood of the Chickasaw Nation. See 9-R.57.

The principal applicant in this case claims to be a Full Blood Chickasaw woman and that she has been in the Choctaw and Chickasaw Nation all her life and in view of the fact that there is so much suspicion raised by making proof by exparte affidavits, we desire to introduce evidence before the Hon. Commissioner to the Five Civilized Tribes, and more especially that the applicant, Silla Howard, be permitted to appear in person and that the Hon. Commissioner be instructed to call in experts whose evidence may be taken to show whether or not she is a full-blood and that this evidence be furnished your department before the case is finally determined.

We will be glad to have you advise us by what method we may secure the privilege of introducing this testimony, and also in support of her application in general, and obliged.

Very Truly,

(Signed) L.D. Horton

Attorney for Petitioners.

Durant, I.T.

9-R-57

COPY.

Muskogee, Indian Territory, July 21, 1906.

L. D. Norton,
Attorney at Law,
Durant, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letters of July 2 and 3, 1906, asking when a hearing may be had in Chickasaw Enrollment Case of Gilla Howard in which case you have a petition for rehearing pending.

In reply you are advised that on April 21, 1906, a petition for review and reopening of the application for the enrollment of Gilla Howard, et al, as citizens by blood of the Chickasaw Nation, was transmitted to the Secretary of the Interior, and this office has not yet been advised of Departmental action thereon.

The other matters referred to in your letter will be made the subject of a separate communication.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

9-R-57

Muskogee, Indian Territory, August 16, 1906.

Cellie Howard,

Kemp, Indian Territory,

Dear Madam:

You are hereby notified that on May 26, 1906, the Secretary of the Interior denied the motion for review and rehearing in the matter of the application for the enrollment of yourself and eight minor children, Arthur, Sarah,, Tennie, Devold, Elroy, Deroyl, Ella May and Melvin Howard, as citizens by blood of the Chickasaw Nation.

Respectfully,

[Handwritten signature]

Commissioner.

9-B-57

Muskogee, Indian Territory, August 16, 1906.

L. D. Horton,

Marant, Indian Territory,

Dear Sir:

You are hereby notified that the Secretary of the Interior on May 26, 1906, denied the motion for review and rehearing in the matter of the application for the enrollment of Celie Howard and her eight minor children, Arthur, Sarah, Tennie, Devoid, Elroy, Deroyl, Ella May and Melvin Howard, as citizens by blood of the Chickasaw Nation.

For your information there is inclosed herewith copy of Departmental letter of May 26, 1906, denying said motion.

Respectfully,

John H. Gentry

LM 4/16

Commissioner.

Muskogee, Indian Territory, August 16, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on May 26, 1906, the Secretary of the Interior denied the motion for review and rehearing in the matter of the application for the enrollment of Cellie Howard and her eight minor children, Arthur, Sarah, Tennie, Devold, Elroy, Deroyl, Ella May and Melvin Howard, as citizens by blood of the Chickasaw Nation.

For your information there is inclosed herewith a copy of Departmental letter of May 26, 1906, denying said motion.

Respectfully,

LM 5/16

Commissioner.

J.W.H.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

LLB

I.T.D. 9017-1906.
D. C. 36565-1906.

August 21, 1906.

LRS.

Commissioner to the five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Inclosed herewith is a letter dated July 19, 1906, from
L.D. Horton, of Durant, Ind. T., relative to the Chickasaw enroll-
ment case of Gilla Howard.

Mr. Horton states that the applicant is a full-blood Chickasaw
woman and that she has been in the Choctaw and Chickasaw nations
all her life. He requests that she be permitted to appear in
person before your office and that testimony may be taken showing
her Indian blood.

In view of the allegation that she is a full blood and has
resided in the nation all her life, the Department considers it
advisable to have a record made in her case. Such record will, of
course, serve only to make a "memorandum case" in the event that
her name does not appear upon the tribal records in any way as a
citizen.

You will please advise Mr. Horton in accordance herewith.

Respectfully,

(Signed) Jesse E Wilson,

Assistant Secretary.

Through the Commissioner
of Indian Affairs.
1 inclosure.

9-R-57

COPY.

Muskogee, Indian Territory, August 24, 1906.

L. D. Morton,

Attorney at Law,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 17, 1906, in which you state that you desire to file a motion supported by five or six affidavits showing that Cellie Howard is a full blood Chickasaw Indian and requesting the Secretary of the Interior to reconsider the motion for review which was filed in this case and you desire to know if the motion should be filed with this office or with the Secretary of the Interior.

In reply to your letter you are advised that motions for rehearing should be addressed to the Secretary of the Interior through this office.

Respectfully,

SIGNED *Wm. C. Deah.*

Acting Commissioner.

COPY.

Muskogee, Indian Territory, September 1, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of Departmental letter of August 21, 1906, enclosing a communication of L. D. Horton, attorney at law, of Durant, Indian Territory, relative to the claim of Gilla Howard et al. for enrollment as citizens by blood of the Chickasaw Nation. Mr. Horton states that the applicant is a full blood Chickasaw woman who has lived in the Choctaw and Chickasaw Nations all her life, and requests that she be permitted to appear in person at this office in order that testimony may be taken showing her Indian blood, and in view of the allegation that she is a full blood and has resided in the nation all her life, the Department considers it advisable to have a record made in her case. Such record only to serve to make "memorandum case" in the event her name does not appear upon the tribal records in any way as a citizen, and this office is directed to advise Mr. Horton in accordance therewith.

Before advising Mr. Horton of Departmental action in this case it is desired to report that Gilla Howard was an applicant for the enrollment of herself and her eight children, Arthur,

Sec. of Int. - - (2)

Sarah, Tennie, David, Elrey, Doreyl, Ella May and Melvin Howard, as citizens by blood of the Chickasaw Nation.

February 3, 1902, the Commission to the Five Civilized Tribes rendered its decision refusing these applicants, and on March 3, 1902 (I.T.D.1171-1902), this action was approved by the Secretary of the Interior.

April 21, 1906, a motion for review of the application for the enrollment of Ella Howard et al., as citizens of the Chickasaw Nation, was transmitted to the Secretary of the Interior, and on May 25, 1906 (I.T.D.9156-1906), the motion was denied by the Department.

It is, therefore, respectfully requested that this office be advised if the action of the Department denying the motion for rehearing, transmitted by L. D. Horton in this case, is rescinded and the case reopened for further hearing and readjudication and, if so, I have to request that the original record be returned for use in the readjudication of this case.

Respectfully,

SIGNED

Wm. C. Doan

Through the Commissioner
of Indian Affairs.

Acting Commissioner.

COPY.

Muskogee, Indian Territory, September 18, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

The Department on March 3, 1902 (I.T.D. 1171-1902), affirmed the decision of the Commission to the Five Civilized Tribes of February 3, 1902, refusing the application for the enrollment of Cellie Howard and her eight minor children, Arthur, Sarah, Tennie, Devold, Elroy, Deroyl, Ella May and Melvin Howard, as citizens by blood of the Chickasaw Nation.

April 21, 1906, this office transmitted for Departmental consideration a motion of L. D. Horton, attorney at law, Durant, Indian Territory, for a review and rehearing of the application for the enrollment of Cilla (Cellie) Howard, et al., as citizens of the Chickasaw Nation. The Department on May 25, 1906 (I.T.D. 9156-1906), after a consideration of said motion for rehearing, together with the record in the case, found no merit in the motion, and adhered to its former decision and denied the motion.

The Department on August 21, 1906 (I.T.D. 9017-1906), transmitted a letter of L. D. Horton of Durant, Indian Territory, dated July 19, 1906, relative to the Chickasaw enrollment case of Cilla (Cellie) Howard, et al., in which he alleged that the applicant is a full blood Chickasaw woman, and that she had resided in the

Secretary 2.

Choctaw and Chickasaw Nations all her life, and requested that she be permitted to appear in person before the Commissioner to the Five Civilized Tribes for the purpose of submitting testimony showing her Indian blood. The Department in its letter of August 21, 1906, directed that Silla Howard be granted a hearing, the record in the case to serve only as a "memorandum case" in the event that her name does not appear upon the tribal rolls, in any way, as a citizen.

This office on September 1, 1906, advised the Department that the person in whose behalf Mr. Horton's letter was written was undoubtedly Silla (Cellie) Howard, whose application for enrollment as a citizen of the Chickasaw Nation was denied by the Commission to the Five Civilized Tribes February 3, 1902.

Mr. Horton's letter of July 19, 1906, is herewith returned and in view of the action taken in the case, it is respectfully recommended that he be advised that his client, Silla (Cellie) Howard, will not be granted a further hearing upon her right to enrollment as a citizen of the Chickasaw Nation.

I also have the honor to transmit herewith a motion for review of Departmental decision of May 25, 1906 (I.T.D. 9156-1906), in this case. This motion was transmitted to this office by L. D. Horton, attorney at law, Durant, Indian Territory, with his letter of September 14, 1906.

It is alleged in the motion for rehearing herewith transmitted that the principal applicant, Silla (Cellie) Howard, is a

Secretary 3.

Chickasaw Indian by blood, and that she is able to introduce the testimony of expert witnesses tending to establish the degree of Chickasaw Indian blood possessed by her; that her husband, Thomas Howard, is of African blood; and that the other applicants are her children by her marriage with the said Thomas Howard.

Attached to the motion are the ex parte affidavits of Thomas Howard, W. F. Trooper, Walter Gibson, Lewis and Ona John, William Grizzell, Jackson Kent, I. N. Little, James B. Fields and R. J. Johnson. These affiants simply allege that the applicant, Cilla (Cellie) Howard, has the appearance of being possessed of Chickasaw Indian blood.

The motion is in my opinion entirely without merit, and unworthy of serious consideration by the Department. The applicant, Cellie Howard, has had a fair and impartial trial of the right to enrollment of herself and her children as citizens of the Chickasaw Nation, and has utterly failed to submit any evidence which would entitle them to recognition and enrollment as citizens of the Chickasaw Nation.

The statements made in the petition submitted by Mr. Horton April 14, 1906, and which was the subject of Departmental letter of May 25, 1906 (I.T.D. 9136-206), in his letter of July 19, 1906, and in the motion for review herewith transmitted, are at variance with the original record in this case.

At the time that Cellie Howard appeared before the Commis-

Secretary 4.

sion to the Five Civilized Tribes at Colbert, Indian Territory, June 18, 1900, she testified that she was the daughter of one Sarah Johnson, who was an alleged three-quarter blood Chickasaw Indian; that she did not know the given name of her father; and that she only claimed to be a one-half Chickasaw Indian. She further testified that she had never been recognized by the tribal authorities of the Chickasaw Nation as a citizen thereof; that she had only resided in the Indian Territory for a period of six years prior to the submission of her application; and that she had been a resident of the State of Texas since she was a small child.

In the decision of the Commission to the Five Civilized Tribes of February 3, 1902, mention was also made of the fact that Cellie Howard had been denied citizenship in the Chickasaw Nation, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), and that no appeal had been taken from said decision within the time prescribed by law.

Mr. Horton in his letter of July 19, 1906, makes the statement that Silla (Cellie) Howard is "a full blood Chickasaw woman, and that she had been in the Choctaw and Chickasaw Nations all her life". This statement is so utterly at variance with the testimony of the applicant, that it is in my opinion unworthy of any further consideration by the Department.

I have to respectfully recommend that the motion for re-

Secretary S.

view herewith transmitted be denied, and that Mr. Horton be advised that this office and the Department cannot render his client any further relief.

Respectfully,

SIGNED *Tame Dixby.*

Commissioner.

LBA 17/4.

Through the Commissioner
of Indian Affairs.

JF Jr.

DEPARTMENT OF THE INTERIOR. LLB.

WASHINGTON.

D.C. 35441
I.T.D. 20122-1906.
23380- "

December 13, 1906.

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On October 8, 1906 (Land 83244), the Indian Office transmitted your report dated September 18, 1906, in reference to the application for the enrollment of Silla (Cellie) Howard et al. as Chickasaws by blood. You forwarded with said report a motion for review and rehearing in connection with the departmental action of May 20, 1906, adverse to these applicants.

You Recommend that this motion be denied.

The Indian Office concurs in your recommendation. A copy of its letter is inclosed.

In connection with this report, the Department has considered your report of September 1, 1906, regarding a further hearing in the matter of the application of said Silla Howard et al. for enrollment as Chickasaw Indians, which was forwarded by the Indian Office on November 22, 1906 (Land 76266).

Referring to departmental letter of August 21, 1906, you

call attention to previous action in the case taken by the Department, and suggested that if the Department still desires the preparation of a "memorandum case," it rescind its action on May 25, 1905, denying a motion for review and rehearing files in the case.

The Department has considered the record, together with the motion. It is apparent that departmental letter of August 21, 1906, was written in the belief that no action had been taken previously in the case, and that said letter was based upon statements in the communication from the applicants' attorney dated July 19, 1905, which appeared to be directly at variance with the testimony of the Principal applicant, as shown in the record.

In view of these facts, departmental letter of August 21, 1906, is hereby rescinded.

The motion for review and rehearing now under consideration appears, upon examination, to present no proper reason for a further consideration of the case. It is hereby denied.

The papers are returned for the files of the Indian Office.

Respectfully,

E. A. Hitchcock,

Secretary.

Through the Commissioner
of Indian Affairs.

10 inclosures to Ind. Of.

9-R-57

Muskogee, Indian Territory, December 29, 1906.

Collie Howard,

Kemp, Indian Territory,

Dear Madam:

You are hereby advised that on December 13, 1906, the Secretary of the Interior denied the motion for review of Departmental decision of May 26, 1906, in the matter of the enrollment of yourself and eight minor children, Arthur, Sarah, Tennie, Elroy, David, Beboyl, Ella May and Melvin Howard, as citizens by blood of the Chickasaw Nation.

Respectfully,

Commissioner.

9-R-57

Muskogee, Indian Territory, December 29, 1906.

L. D. Horton,

Attorney at Law,

Durant, Indian Territory,

Dear Madam:

You are hereby advised that on December 13, 1906, the Secretary of the Interior denied the motion for review of Departmental decision of May 25, 1906, in the matter of the application for the enrollment of Cellie Howard and her eight minor children, Arthur, Sarah, Tennie, Elroy, Devold, Deroyl, Ella May and Melvin Howard, as citizens by blood of the Chickasaw Nation.

For your information there is inclosed herewith a copy of Departmental letter of December 13, 1906, above referred to.

Respectfully,

LM 1/29

Commissioner.

9-R-57

Waskageo, Indian Territory, December 29, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby advised that on December 13, 1906, the Secretary of the Interior denied the motion for review of Departmental decision of May 25, 1906, in the matter of the enrollment of Collie Howard and her eight minor children, Arthur, Sarah, Tennie, Elroy, Devoid, Deroyl, Ella May and Melvin Howard as citizens by blood of the Chickasaw Nation.

For your information there is inclosed herewith a copy of Departmental letter of December 13, 1906, above referred to.

Respectfully,

LM 2/29

Commissioner.

REPLY IN REPLY TO THE FOLLOWING:

6433-1907

9-2-07.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

7/11/07

Waskagee, Indian Territory, August 27, 1907.

Lillia Howard, alias Johnson,

Kemp, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of August 20, 1907, in which you request to be advised relative to the enrollment of yourself and eight children as citizens by blood of the Chickasaw Nation.

In reply to your letter you are hereby advised that on June 18, 1900, the names of yourself and children were listed for enrollment by the Commission to the Five Civilized Tribes as citizens by blood of the Chickasaw Nation, but on February 3, 1902, said Commission rejected your application, which action was approved by the Secretary of the Interior March 3, 1903, notices of which were duly furnished you.

You are further advised that on April 21, 1906, there was filed with the Commissioner to the Five Civilized Tribes, a motion for the rehearing of this case and was forwarded on the same date by this office to the Department for consideration, which motion was denied by the Department May 25, 1906. On September 17, 1906,

L. H. #2.

a motion was filed with this office for review of Departmental decision of May 25, 1906, said motion being forwarded to the Department on the same date for consideration, which motion was denied by the Department December 13, 1906.

This office now considers this case closed and it is useless for you to take any further steps looking to the enrollment of yourself and children as citizens by blood of the Chickasaw Nation, and in this connection your attention is invited to the following provision of the Act of Congress approved April 26, 1906:

"That the rolls of the tribes affected by this Act shall be fully completed on before the fourth day of March, nineteen hundred and seven, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date."

You will, therefore, observe from the above provision that there is no authority for the enrollment of any person as a citizen by blood of the Choctaw or Chickasaw Nation.

Respectfully,


Commissioner.

8256-1907
9-R-57.

Muskegee, Indian Territory, September 7, 1907.

Tom Howard,
Colbert, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 4, 1907, in which you request to be advised if there is any chance of enrolling your wife, Sillar Howard, and children as citizens by blood of the Chickasaw Nation.

In reply thereto you are advised that on June 18, 1900, your wife and eight children were listed for enrollment as citizens by blood of the Chickasaw Nation, and on February 3, 1902, they were rejected, which action was on March 3, 1902, affirmed by the Department. On April 21, 1906, a motion for rehearing of this case was forwarded to the Department, which motion was denied by the Department on May 25, 1906. On September 17, 1906, a motion for review of Departmental decision of May 25, 1906, was forwarded the Department, which motion was denied by the Department on December 13, 1906.

This case is now considered closed and this office is without authority to receive applications for the enrollment of

T. H. #2.

any person as a citizen or freedman of the Choctaw or Chickasaw Nations.

Respectfully,

Acting Commissioner.

Chic.R-58

Chic R-58

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
COLBERT, I. T., JUNE 19th, 1900.

In the matter of the application of Maseppa T. Turner for the enrollment of his minor children: Angelus, Munsey H., John B., and Regnauld Turner as citizens of the Chickasaw Nation., and Maseppa T. Turner, being sworn by Acting Chairman, Tama Birdy, testified as follows:

- Q What is your name? A Maseppa T. Turner.
Q What is your age? A Fifty-nine, last May.
Q What is your Postoffice? A Dougherty.
Q Are you a citizen of the Chickasaw Nation? A I have been so recognized by the Chickasaw authorities.
Q By blood or by inter-marriage? A By inter-marriage.
Q For whom do you make this application?
A For my children by my last wife: Angelus, Munsey H., John B., and Regnauld Turner.
Q These children have no Chickasaw Indian blood in their veins?
A No sir.
Q Have you ever before appeared before the Commission for the purpose of enrolling these children? A No sir.
Q Have the names of these children ever appeared on the tribal Chickasaw rolls? A No sir.
Q Have they ever been recognized by the tribal authorities of the Chickasaw Nation as citizens? A No sir.
Q Did you apply to the Dawes Commission in 1896 for the enrollment of these children? A No sir.
Q What is the name of the mother of these children? A Alice Turner.
Q What was her maiden name? A Alice Aiken.
Q When were you married to her? A The 13th of August, 1891. As evidence of my marriage, I desire to offer in evidence at this time my marriage licence and certificate.

Marriage licence and Certificate of M. Turner, of Dougherty, and Alice Aiken offered in evidence, marked Exhibit "A", filed and made a part of this record.

- Q Mr. Turner, what purports to be your name in the marriage licence is M. Turner; you are the identical person named in this marriage licence? A Yes sir.
Q Is the mother of these children for whom you make application a white woman? A Yes sir.
Q Do you claim any Chickasaw rights for her? A No sir.
Q You were married to her, as your marriage licence and certificate show, under the laws of the United States? A Yes sir.
Q At what point were you married? A Dougherty., in the Chickasaw Nation.
Q Please give the names of your children for whom you make application, and their respective ages?
Angelus Turner, born June 2nd, 1890; Munsey H. Turner, born February 5th, 1895; John B. Turner, born December 31st, 1896; and Regnauld Turner, born February 25th, 1899. I desire to offer in evidence at this time certificates showing the births of these children, except the birth of Angelus; the physician that attended upon my wife, in confinement of this child, is now absent; therefore, it is impossible to get his certificate at present, but I can get it, and will send it if permitted.

Affidavits of Alice Turner; Thomas Cape and E. R. Leoney, offered in evidence, identified as Exhibits "B, C & D", filed and made a part of the record in this case.

Mr. Turner asks: "I ask that I be permitted to file an affidavit at a later date".
By the Commission,

You are advised that no papers, affidavits or other proper papers which may be filed with this Commission in connection with this case, at a later date, can not receive the consideration of the Commission in determining the rights of your children for enrollment, but will be forwarded together with the record in this case to the Honorable Secretary of the Interior, when the rolls of the Chickasaw Nation are forwarded him for his approval.

Q Mr. Turner, you held your right to citizenship in the Chickasaw Nation through intermarriage to a former wife? A Yes sir.

Q When and where did you marry her? A In Shelby County, Tennessee, the 3rd day of January, 1860.

Q Was she a Chickasaw Indian? A Yes sir.

Q What proportion of Chickasaw blood did have?

A About one fourth I presume.

Q You were married to her under the United States law? A Yes sir.

Q When did she die? A 1890, December 18th.

Q Was your former wife ever recognized as a citizen of the Chickasaw Nation? A Yes sir; that has always been my understanding.

Q By the Chickasaw tribal authorities? A I can not say, but her family was I think.

Q You have been recognized as an inter-married citizen of the Chickasaw Nation? A Yes sir; from 1870 till the present time, unless I am thrown out.

Q Are these children now living with you? in the Chickasaw Nation?

A Yes sir.

Q Have they always lived with you? A Yes sir.

Q Have they ever lived outside of the Chickasaw Nation? A No sir.

A copy of the decision of the Commission with reference to your application for your three minor children will be furnished you in writing at a later date, mailed to you at your present Post-office address.

Q Is there any additional statement in regard to your case you desire to make at this time? A No sir.

Q Have you any papers you desire to file with the Commission at this time? A No sir.

R. R. Cravens, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing case, and that the foregoing and above is a true, full and correct transcript of his stenographic notes in said case.

R. R. Cravens

Sworn to and subscribed before me this 30th day of June, 1900.



ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Angelus Turner, et al., as citizens of the Chickasaw Nation.

D E C I S I O N .

It appears from the record herein that on June 19, 1900, application was made to the Commission to the Five Civilized Tribes for the enrollment of Angelus, Munsey H., John B., and Regnauld Turner as citizens of the Chickasaw Nation. On July 16, 1906, written application was made for the enrollment of Ruth Turner as a citizen of said nation.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes of January 2, 1906, there was filed on March 2, 1906, by Harry W. Fielding, of Davis, Indian Territory, attorney for the petitioners, a petition verified by Mazeppa T. Turner, and submitted on behalf of his four minor children, Angelus, Munsey Homer, John Bunyan and Reginauld Turner, praying that they be enrolled as citizens of the Chickasaw Nation.

The record in this case shows that all of the applicants herein claim their right to enrollment as citizens of the Chickasaw Nation by reason of being the children of Mazeppa T. Turner, a white man, whose name appears as number 609 upon a list prepared by the Commissioner to the Five Civilized Tribes, under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), of persons entitled to enrollment as citizens by intermarriage of the Chickasaw Nation, and approved by the Secretary of the Interior August 23, 1905, and Alice M. Turner, a non-citizen white woman.

I am of the opinion that following the ruling of the Department of April 24, 1906 (I.T.D. 4048-1906), in the case of Mary Elizabeth Martin, the application and petition for the enrollment of Angelus Turner, Munsey H. (or Munsey Homer) Turner, John B. (or John Bunyan) Turner, and Regnauld (or Reginauld) Turner as citizens of the Chickasaw Nation should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

I am further of the opinion that the application for the enrollment of Ruth Turner as a citizen of the Chickasaw Nation should be denied, under the provisions of the Act of Congress approved April 26, 1906 (Public No. 129), as amended by the Act of Congress approved June 21, 1906 (Public No. 258), and it is so ordered.

(Signed) Tams Bixby,
Commissioner.

Muskogee, Indian Territory,
AUG 29 1906

9-R-58

IN RE

Application for Enrollment of
INFANT CHILD

Angelus Turner

as a citizen of

Chickasaw

Nation

Approved

190

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 31, 1902.

DEPARTMENT OF THE INTERIOR, COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Chickasaw Nation,
of Angelus Turner (Must insert name of child.), born on the 2nd day of June 1892—
Name of Father: Mazappa T. Turner a citizen of the Chickasaw Nation.
Name of Mother: Alice M. Turner a citizen of the U. S. Nation.
Postoffice Davis, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Southern DISTRICT. }

I, Alice M. Turner, on oath state that I am 36
years of age and a citizen by—, of the U. S. Nation;
that I am the lawful wife of Mazappa T. Turner, who is a citizen, by
Intermarriage the Chickasaw Nation; that a female child was
(Male or Female.)
born to me on 2nd day of June 1902—; that said child has been named
Angelus Turner, and is now living.

WITNESSES TO MARK:

Alice M. Turner

(Must be Two
Witnesses.)

(SEAL)

Subscribed and sworn to before me this 21st day of October, 1902.

Harry W. Fielding

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
DISTRICT. }

I, J. Newton Kerley, a Physician, on oath state that I
attended on Mrs. Alice M. Turner, wife of Mazappa T. Turner
on the 2nd day of June 1892—; that there was born to her on said date a female
Angelus-
(Male or Female.)
child; that said child is now living and is said to have been named Angelus.

(SEAL)

WITNESSES TO MARK:

J. N. Kerley

(Must be Two
Witnesses.)

J. R. Brits

Fred Hitton

Subscribed and sworn to before me this 21 day of Oct, 1902.

J. W. Brent

Notary Public.

NEW BORN

100

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Both Turner

as a citizen of

Chickasaw

Nation.

Approved..... 190...

Commissioner.

Born October 2, 1904.

Act of Congress approved April 26, 1906.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

F I L E D

JUL 28, 1906

Tams Birby, Commissioner.

Chickasaw
1816

RECEIVED
JUL 16, 1906.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MIXONS. ACT OF CONGRESS, APPROVED APRIL 20, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Chickasaw Nation,
of Ruth Turner, born on the 2nd day of October, 1904.
[Here insert name of child]
Name of Father: Masappa T. Turner, a citizen of the Chickasaw Nation.
Name of Mother: Alice M. Turner, a citizen of the United States Nation.
Tribal enrollment of father: Chickasaw. Tribal enrollment of mother: United States.
Postoffice: Davis, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Southern District.

I, Alice M. Turner, on oath state that I am
years of age and a citizen by United States Nation;
that I am the lawful wife of Masappa T. Turner, who is a citizen, by
intermarriage the Chickasaw Nation; that a female child was
born to me on 2nd day of October, 1904; that said child has been named
Ruth Turner and was living March 4, 1906.

Alice M. Turner

WITNESSES TO MARK:

[Must be Two Witnesses] {

Subscribed and sworn to before me this 15th day of May, 1906.

(SEAL)

W. F. Parker

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Southern District.

I, A. P. Brown, a Physician, on oath state that I
attended on Mrs. Alice M. Turner, wife of Masappa T. Turner
on the 2nd day of October, 1904; that there was born to her on said date a female
child; that said child was living March 4, 1906, and is said to have been named Ruth Turner.

A. P. Brown, M. D.

WITNESSES TO MARK:

[Must be Two Witnesses] {

Subscribed and sworn to before me this 16th day of May, 1906.

(SEAL)

W. F. Parker

Notary Public.

NEW BORN

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 20, 1906.

Angelina Turner

as a citizen of

CHICKASAW Nation.

Approved..... 190...

Commissioner.

Born June 2nd 1902.

ACT OF CONGRESS APPROVED APRIL 26, 1906

AUG 10 1906

RECEIVED

JUL 25 1906

CHICKASAW
1816

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 20, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Chickasaw Nation,
of Angelus Turner born on the 2 day of June, 1892.
[Here insert name of child]
Name of Father: Mazeppa T. Turner a citizen of the Chickasaw Nation.
Name of Mother: Alice M. Turner a citizen of the U.S. Nation.
Tribal enrollment of father: Chickasaw Nation Tribal enrollment of mother: X
Residence: Devils, Indian Territory

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Southern District. }

I, Alice M. Turner, on oath state that I am 40
years of age and a citizen by of the United States Nation;
that I am the lawful wife of Mazeppa T. Turner, who is a citizen, by
Intermarriage of the Chickasaw Nation; that a Female child was
[Male or Female]
born to me on 2nd day of June, 1892; that said child has been named
Angelus Turner, and was living March 4, 1906.

Alice M. Turner

WITNESSES TO MARK:

[Must be Two Witnesses] {
.....

Subscribed and sworn to before me this 24th day of July, 1906.

H. Adler
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
..... District. }

I,, on oath state that I
attended on wife of
on the day of, 1906; that there was born to her on said date a
[Male or Female]
child; that said child was living March 4, 1906, and is said to have been named

WITNESSES TO MARK:

[Must be Two Witnesses] {
.....

Subscribed and sworn to before me this day of 1906.

Notary Public.

199

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved

April 26, 1906.

Munsey Horner Turner

as a citizen of

CHICKASAW Nation.

Approved..... 190...

Commissioner.

Born Feb 5" 1894

ACT OF CONGRESS APPROVED APRIL 26, 1906.

DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

AUG 10 1906

CHICKASAW

1816

RECEIVED

JUL 25 1906

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 20, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the CHICKASAW Nation,
of MUNSEY HOMER TURNER, born on the 5th day of FEBRUARY, 1894.
(Here insert name of child)
Name of Father: MAKOPPA T. TURNER, a citizen of the CHICKASAW Nation.
Name of Mother: ALICE M. TURNER, a citizen of the U. S. Nation.
Tribal enrollment of father: CHICKASAW NAT. 109 Tribal enrollment of mother: X
Residence: DAVIS, INDIAN TERRITORY.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Southern District.

I, Alice M. Turner, on oath state that I am 40
years of age and a citizen by United States Nation;
that I am the lawful wife of MAKOPPA T. TURNER, who is a citizen, by
Intermarriage of the CHICKASAW Nation; that a Male child was
(Male or Female)
born to me on 5th, day of FEBRUARY, 1894; that said child has been named
MUNSEY HOMER TURNER, and was living March 4, 1906.

Alice M. Turner

WITNESSES TO MARK:

[Must be Two Witnesses] {
.....
.....

Subscribed and sworn to before me this 24th, day of JULY, 1906.

J. S. Adler
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
..... District.

I,, on oath state that I
attended on, wife of,
on the day of, 1906; that there was born to her on said date a
(Male or Female)
child; that said child was living March 4, 1906, and is said to have been named.....

WITNESSES TO MARK:

[Must be Two Witnesses] {
.....
.....

Subscribed and sworn to before me this day of 1906.

Notary Public.

NEW BORN

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

John Bungan Turner

as a citizen of

CHICKASAW Nation.

Approved. 190

Commissioner.

Born Dec. 31 1896

ACT OF CONGRESS APPROVED APRIL 26, 1906.

DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

FILED

AUG 10 1906

RECEIVED

CHICKASAW

JUL 25 1906

1816

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 22, 1904.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the... Chickasaw Nation..... Nation,
of John Bunyan Turner....., born on the 31st day of December, 1896.
[Here insert name of child]
Name of Father: Mazeppa T. Turner..... a citizen of the Chickasaw..... Nation.
Name of Mother: Alice M. Turner..... a citizen of the U.S..... Nation.
Tribal enrollment of father: Chickasaw Nation. Tribal enrollment of mother: I.....
Postoffice: Davis Indian Territory.....

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Southern District. }

I, Alice M. Turner....., on oath state that I am 40
years of age and a citizen by..... of the United States Nation;
that I am the lawful wife of Mazeppa T. Turner....., who is a citizen, by
Intermarriage, of the Chickasaw Nation..... Nation; that a Male..... child was
born to me on 31st day of December, 1896; that said child has been named
John Bunyan Turner....., and was living March 4, 1906.

Alice M. Turner

WITNESSES TO MARK:

[Must be Two Witnesses] {

Subscribed and sworn to before me this 24th day of July, 1906.

J. R. Adler
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
District. }

I,, on oath state that I
attended on, wife of.....
on the day of, 1.....; that there was born to her on said date a.....
child; that said child was living March 4, 1906, and is said to have been named.....
[Male or Female]

WITNESSES TO MARK:

[Must be Two Witnesses] {

Subscribed and sworn to before me this day of 1906.

Notary Public.

NEW BORN

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 28, 1906.

Reginauld Turner

as a citizen of

CHICKASAW Nation.

Approved 190...

Commissioner.

Born Feb 25th 1898

ACT OF CONGRESS APPROVED APRIL 28, 1906.

DEPARTMENT OF THE INTERIOR
UNITED TO THE FIVE CIVILIZED TRIBES

FILED

AUG 10 1906

RECEIVED
CHICKASAW
JUL 25 1906

1816

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 22, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Chickasaw Nation,
of Reginauld Turner, born on the 25th day of Feb., 1898.
(Here insert name of child)
Name of Father: Mazappa T. Turner, a citizen of the Chickasaw Nation.
Name of Mother: Alice M. Turner, a citizen of the U.S. Nation.
Tribal enrollment of father: Chickasaw Nation. Tribal enrollment of mother: .
Postoffice: Davis, Indian Territory.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Southern District.

I, Alice M. Turner, on oath state that I am 40
years of age and a citizen by , of the United States Nation;
that I am the lawful wife of Mazappa T. Turner, who is a citizen, by
Intermarriage of the Chickasaw Nation Nation; that a male child was
(Male or Female)
born to me on 25th day of February, 1898; that said child has been named
Reginauld Turner, and was living March 4, 1906.

Alice M. Turner

WITNESSES TO MARK:

[Must be Two Witnesses] {

Subscribed and sworn to before me this 24th day of July, 1906.

J. A. Adair
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
District.

I, , on oath state that I
attended on wife of
on the day of , 1898; that there was born to her on said date a
(Male or Female)
child; that said child was living March 4, 1906, and is said to have been named .

WITNESSES TO MARK:

[Must be Two Witnesses] {

Subscribed and sworn to before me this day of , 1906.

Notary Public.

EX "A"

COPY

Phoenix Printing Co., Muskogee, Ind. Ter.

No.-----

MARRIAGE LICENSE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
THIRD JUDICIAL DIVISION,

SS.

TO ANY PERSON AUTHORIZED BY LAW TO
SOLICIT MARRIAGE -- GREETING:

YOU ARE HEREBY COMMANDED to solemnize the Rite and publish the
Banns of Matrimony between Mr H Turner of Dougherty in the
Chickasaw Nation aged fifty one years, and Miss Alice Ahin of
Dougherty in the Chickasaw Nation aged twenty one years, according
to law, and do you officially sign and return this License
to the parties therein named.

WITNESS my hand and Official Seal this eleventh
day of August A. D. 1891.

Wm. Nelson

Clerk of the U. S. Court.

By A. D. Matthews Deputy.

(SEAL)

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA
INDIAN TERRITORY

Judicial Division

SS I. J. A. Gibson a ordained
minister

DO HEREBY CERTIFY THAT on the 15th day of August A. D. 1891 I did
duly, and according to law, as commanded in the foregoing License
solemnize the Rite and publish the Banns of Matrimony between
the parties therein named.

WITNESS my hand this 15th day of August A. D. 1891 .
My credentials are recorded in the office of the Clerk
of the United States Court, Indian Territory,
Judicial Division, Rock _____ Page _____

J. A. Wilson

a ordained minister.

Note.-- This License and Certificate of Marriage must be returned
to the office of the Clerk of the United States Court in the Indian
territory, from whence it was issued, within sixty days from the
date thereof, or the party to whom the License was issued will be
liable in the amount of One Hundred Dollars (\$100).

Endorsed:

FILED
AUG 15 1891
A.D. Matthews
U. S. Commissioner.

FILED
JUN 10 1890
COMMISSIONER TO FIVE TRIBES

COPY

Indian Territory N. S.
Third Division.

I, WILLIAM NELSON, Clerk of the United States

Court in the Indian Territory, do hereby certify that the above
license for and certificate of marriage of M. Turner and Alice
Akim were, on the 15 day of Aug A. D. 1891 filed in my office in
the Third Judicial Division; and that the same are duly recorded
on page 315 Book 3 of Marriage Records.

Witness my hand and official seal at Ardmore, this 27 day of
Aug A. D. 1891.

Wm. Nelson CLERK

(SEAL)

By A. D. Matthews, Deputy.

COPY

Ex "B"

Indian Territory
Southern District.

Dougherty Ind Ter
June 15th 1900

Personally appeared before me a Notary Public

Mrs Alice Turner well known to me up on oath states that she is
the Lawful wife of M Turner and on June 24 1892 was Born to me a
female child and her name is Angless Turner and is now Living and
the Dr who waited on me was Name Dr J. M. Herley and on Feb 5th
1894 there was Born to me a male child and his name is Munsey R.
Turner and is Now Living and The Dr name who waited on me at the
time of his Birth is Dr Cape.

and on December 31st 1896 there was Born to me a male
child and his name is John B. Turner and is now Living and the Dr
who waited on me at the time of his Birth is named Dr R. B. Leoney
and on Feb 28 1899 there was Born to me a male child and his name
is Reginald Turner and is Now Living and the Dr who waited on
me at the time of his Birth is named Dr R. B. Leoney

given under my Hand this 15th day of June 1900
(over) Alice Turner

Southern District
Ind Territory

Dougherty I. T.
June 15th 1900

of June 1900

Subscribed and sworn to before me this 15th day

S. W. Frost
Notary Public
My com expires 1902

(SEAL)

Endorsed:

Filed
Jun 19 1900
Commission to Five Years.

COPY

Re C

Indian Territory
Southern District

Lawrence I. T.

6/10/1900

this is to certify that I did deliver all the
Turner wife of H. Turner of a White Oak on the 2nd Feb 1900 and is
now living and named Nancy H. Turner.

Subscribed and sworn to before me this 10th day of June 1900

(S.E.A.T.)

By the Court Clerk

7-19-1900 2-57

COPY

Ex D

Southern District
Indiana

Dougherty I. T.
Jun 14 1900

before me a Notary Public personally appeared Dr
R. B. Looney well known to me on oath states that he delivered
Alice Turner wife of M Turner a male child Dec 30 1896
and said to be named John B Turner and is now living and on
Feb 25th 1899 I delivered said Alice Turner of a male
child and said to be named Reginald Turner and is now living.

B. R. Looney M. D.
Subscribed and sworn to before me this 14th day of June 1900
S. W. Frost

Notary Public
Southern District
My com expires 1902

(SEAL)

Endorsed

FILED
JUN 19 1900
Commission to Five Tribes.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.

In the Matter of the Application for
Enrollment of Angelus Turner, Munsey Homer
Turner, John Bunyan Turner and Reginauld
Turner, as Citizens of the Chickasaw Nation.

Petition.

Your petitioner, Mazeppa T. Turner, respectfully requests that the names of his minor children, Angelus, Turner, Munsey Homer Turner, John Bunyan Turner and Reginauld Turner, be placed upon the final Rolls of Citizens of the Chickasaw Nation, and that they be allowed to share equally in the distribution of all tribal property of the Chickasaw Nation with other citizens of said Nation, under and by virtue of the opinion of the Assistant Attorney General for the Department of the Interior, rendered December 8th., 1905, in the Choctaw Enrollment Case of Mary Elizabeth Martin.

In support thereof your petitioner sets forth the following as a true and correct statement of facts:

Your petitioner is a recognized and enrolled citizen by intermarriage of the Chickasaw Nation, his name appearing opposite Number 609 upon the final rolls of citizens by intermarriage of said Nation, approved by the Secretary of the Interior, August 23rd., 1905.

Your petitioner further states that he was enrolled as such citizen by virtue of his marriage on January 3rd., 1880 with Laura Turner (nee Laura Johnson), a recognized citizen by blood of the Chickasaw Nation, the name of whose child by said marriage, Edward A.

Turner, appears as Number 3865 upon the lists prepared by the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved July 1st., 1902 (32 Stats., 641), and approved by the Secretary of the Interior December 12th., 1902. Your petitioner further states that he himself is identified upon the 1893 Chickasaw Leased District Payment Roll, No. 1, page 132, and also upon the 1896 Chickasaw Census Roll, Tishomingo County, page 83. Your petitioner states that he lived with said Laura Turner as her husband until her death in 1890; that thereafter, to-wit: August 13th., 1891, your petitioner was lawfully married to Alice M. Turner (nee Alice M. Aikin), a non citizen white woman, and as the offspring of said marriage lastly above mentioned the applicants above named were born upon the dates following, respectively, to-wit: Angelus Turner, June 2nd., 1892; Munsey Homer Turner, Feb., 5th., 1894; John Bunyan Turner, Dec., 31st., 1896; Reginauld Turner, Feb., 5th., 1898.

Your petitioner states that the said marriage with Larua Turner (nee Johnson) occurred in the State of Tennessee; that thereafter he removed with his said wife to the Choctaw - Chickasaw Country in 1870, where they resided together continuously until her death in 1890, as aforesaid, and whrer this petitioner has been a bona fide resident ever since.

That the applicants above named, Angelus Turner, Munsey Homer Turner, John Bunyan Turner and Reginauld Turner were all born in the Choctaw - Chickasaw Country, and have resided therein continuously ever since their birth.

Your petitioner states that on June 19th., 1900, he filed with the Commission to the Five Civilized Tribes application for the enrollment of said children above named as citizens of the Chickasaw

Nation, and filed proper proofs of their birth, and on _____, there was filed with said Commission evidence of the marriage of petitioner with the mother of said children.

Your petitioner would further show that upon his marriage with the said Laura Turner (nee Johnson), he became in all respects as though he were a native born Chickasaw under Article XXXVIII, of the Treaty between the United States and the Choctaw and Chickasaw Nations, concluded April 28th., 1866, and by reason thereof, the said applicants Angelus Turner, Munsey Homer Turner, John Bunyan Turner and Reginauld Turner, born in lawful wedlock to your petitioner subsequent to the time when he became such citizen, were born to the allegiance of the Chickasaw Nation, and ever since their birth have been, and still are citizens by birth of said nation, entitled to all the rights, privileges, benefits and immunities of other citizens of said Nation.

Wherefore, your petitioner respectfully prays that if the evidence already on file in this case is insufficient upon which the Commissioner to the Five Civilized Tribes may base a decision herein, he be granted an opportunity to introduce further evidence and testimony in support of the allegations herein, and hereby signifies his readiness and ability to make complete and perfect proof of all the facts in this petition contained; and for that purpose a day may be set when a hearing in this case may be had and such testimony relative to the right of these applicants to be enrolled may be taken; and that should said evidence and testimony establish the facts and allegations herein made, the Commissioner to the Five Civilized Tribes may enroll the said Angelus Turner, Munsey Homer Turner, John Bunyan Turner and Reginauld Turner as citizens of the Chickasaw Nation in accordance with the provisions of the Acts of Congress approved June 28th., 1898, (30 Stats., 495), and July 1st., 1902 (32 Stat., 641).

(Signed) Mazappa T. Turner,
Petitioner.

Indian Territory,
Southern District, SS.
United States of America,

Mazeppa T. Turner being first duly sworn, on oath states that he has read the foregoing petition by him subscribed, that he knows the contents thereof, and that the same is true in substance and in fact.

(Signed) Mazeppa T. Turner.

Subscribed and sworn to before me, this the 21st., day of February, 1906.

(Signed) W. N. Lewis,

(SEAL)

Notary Public.

My commission expires Dec. 1st., 1908.

I hereby appoint Harry W. Fielding, Esq., of Davis, Ind. Ter., to represent me and the within named applicants in all matters pertaining to their application for enrollment before the Commissioner to the Five Civilized Tribes, Feb., 21st., 1906.

(Signed) Mazeppa T. Turner,
Petitioner.

Indorsed:

In the Matter of the Enrollment
of Angelus Turner, et al, Minors,
as citizens of the Chickasaw
Nation.

Mazeppa T. Turner, Davis, I. T., Petitioner.

Department of the Interior,
Commissioner to the Five Civilized Tribes.
Filed Mar. 2, 1906.
Tame Bixby, Commissioner.

Harry W. Fielding, Davis, I. T.,
Attorney for Petitioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE INDIAN TERRITORY.

In the Matter of the Application for
Enrollment of Angelus Turner, Munsey Homer
Turner, John Bunyan Turner and Reginauld
Turner, as citizens of the Chickasaw Nation.

Application for Enrollment.

The undersigned, Mazeppa T. Turner, respectfully makes application in behalf of his minor children, Angelus Turner, Munsey Homer Turner, John Bunyan Turner and Reginauld Turner, that they be placed upon the final rolls of ~~the~~ Citizenship of the Chickasaw Nation, and that they may be allowed to share equally in the distribution of all tribal property of said Nation, in common with other citizens thereof, under and by virtue of the Act of Congress, passed and approved April, 26th., 1906.

Your petitioner represents that he is a recognized and enrolled citizen by intermarriage of the Chickasaw Nation, his name appearing opposite Number 609 upon the final rolls of citizenship by intermarriage of said Nation, approved by the Secretary of the Interior, August 23rd., 1905.

Your petitioner represents that said minor children above named, were born in lawful wedlock, and are the offspring of his marriage with one Alice M. Aikin, a non citizen white woman, which said Marriage occurred on August 13th., 1891. That said minor children were born in the Chickasaw Nation, and have ever since resided therein, upon the dates following, to-wit:

Angelus Turner, June, 2nd., ~~1891~~ 1892; Munsey Homer Turner, Feb., 5th., 1894;

John Bunyan Turner, Dec., 31st., 1896; Reginauld Turner, Feb. ⁽²⁵⁻⁾ 5th., 1898, and that said minor children, and each of them were living March, 4th., 1906.

Your petitioner further states that on June, 19th., 1900, he filed with the Commission to the Five Civilized Tribes application for the enrollment of said minor children above named as citizens of the Chickasaw Nation, and filed with said Commission proper proofs of birth, consisting of the affidavit of the mother of said children and the attending physician, as required by the rules of said Commission.

Your petitioner prays that said original proofs of birth, filed June 19th., 1900, may be treated and regarded as re filed concurrent herewith, for the reason that it is well nigh impossible to reproduce said proof by obtaining the affidavit of the attending physicians.

One of said physicians is deceased; the whereabouts of one ~~xxxx~~ is unknown to your petitioner, and the other is distant from petitioner's home, and has been for some years past, and cannot testify of his personal knowledge that the said minor children above named, or any of them were living on March 4th., 1906.

In lieu of said affidavits he begs leave to submit herewith the affidavits of Alice M. Turner, ~~xxx~~ the mother of said Minor children and that of reputable citizens who have an intimate acquaintance with petitioners family, in support of the fact that said minor children, and each of them were living on March 4th., 1906, and that said affidavits lastly above referred to, taken in conjunction with the said proofs of birth, heretofore filed June, 19th., 1900, and which ~~xxxx~~ your petitioner desires may be considered and regarded as re filed herewith, may be deemed a substantial compliance with said Act of Congress, April, 26th., 1906, and the rules of the Commission relative to the manner of making said applications and the nature and sufficiency of the proof required in support thereof.

Respectfully Submitted,

Mary M. Turner

Subscribed and sworn to before me, this the 24th., day of July, 1906.

J. S. Adler

Notary Public.

My Commission expires

January 2nd 1909.

United States of America,
Southern District,
Indian Territory.

M.C.Ferguson, being duly sworn, on oath states: My name is M.C.Ferguson, my age 47½ years, my occupation that of grocer, and my residence and place of business is at Davis, Indian Territory.

I am well and intimately acquainted with Mazeppat T. Turner, whose name is signed to the application hereto attached. I have known him continuously for the past sixteen years. I have known his minor children named in his application, Angelus Turner, Munsey Homer Turner, John Bunyan Turner and Reginauld Turner from infancy. They are the identical persons named in said application and were all, and each of them, living on the 4th., day of March, 1906.

I am not related to any of the parties named in this application, and have no connection with the prosecution.

M.C. Ferguson

Subscribed and sworn to before me, this the 24th., day of July, 1906.

H. R. Adler.

Notary Public.

United States of America,
Southern District,
Indian Territory.

W.F.Parker being duly sworn, according to law, states:

My name is W.F.Parker, my age 47 years, my occupation is that of Assistant Cashier of the First National Bank, of Davis, I.T.

I have known Mizeppa T. Turner, the applicant in the accompanying petition continuously for the past 17 years, and am likewise well acquainted with his minor children therein named, having known them from infancy, to-wit: Angelus Turner, Munsey Homer Turner, John Bunyan Turner and Reginauld Turner.

They are the same persons named in the application hereto attached, and were all, and each of them, living on the 4th., day of March, 1906.

I am not related to any of the parties named, and have no interest in the result of this application.

W.F. Parker

Subscribed and sworn to before me, this the 24th., day of July, 1906.

W. F. Parker
Notary Public.

FILED
JUN 19 1900
COMMISSION TO FIVE TRIBES.

Commission to Five Tribes

FILED
JUN 19 1900
COMMISSION TO FIVE TRIBES.

George W. Childers

June 24 12
John Henry Fleming born
1843 died Feb 5 1893
John Benjamin Fleming
born June 12 1861
Regimental Treasurer
died Nov 25 1893

FILED
JUN 19 1900
COMMISSION TO FIVE TRIBES.

MEMORANDA.

(Date) 1899.

Name _____

Choctaw ? County _____ Year _____ No. _____

Chickasaw ? County _____ Year _____ Page _____

Citizen by blood ? Mother's citizenship _____

Intermarried citizen ? _____

Married under what law ? _____

License filed this day, _____

Wife's name, _____

Choctaw ? County _____ Year _____ No. _____

Chickasaw ? County _____ Year _____ Page _____

Citizen by blood ? Mother's citizenship _____

Intermarried citizen ? _____

Married under what law ? _____

License filed this day _____

Names of children:

County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.

Presented by father
 Mary J. Turner
 Mother Alice Turner

9-2-217
9-R- 38

Muskogee, Indian Territory, October 31, 1922.

Masopha T. Turner,

Davis, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 23d inst., enclosing affidavits of Alice W. Turner and J. Newton Kerley relative to the birth of your minor child, Angelus Turner, June 2, 1922; and the same being in proper form have been duly filed with the records of the Commission as evidence of birth of the above named child.

Respectfully,

Acting Chairman.

Chickasaw R 88

Muskogee, Indian Territory, February 9, 1904.

Maseppa Turner,

Davis, Indian Territory.

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to the enrollment of your four minor children, Angelus, Munsey H., John B., and Regnault Turner, as citizens of the Chickasaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

9-1816

Muskogee, Indian Territory, August 10, 1906.

W. H. Fielding,

Attorney at Law,

Davis, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of July 24, 1906, enclosing affidavits of Masappa T. Turner and Alice M. Turner to the birth of Angelus Turner, Mamsey Homer Turner, John Dugan Turner and Reginald Turner, children of Masappa T. and Alice M. Turner, June 8, 1892, February 6, 1894, December 31, 1896 and February 25, 1898, respectively; also affidavits of M. C. Ferguson and W. F. Parker stating that said children were living on March 4, 1906.

Respectfully,

Commissioner.

9-R-58

Muskogee, Indian Territory, August 29, 1906.

Waseppa T. Turner,
Muskogee, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered August 19, 1906, denying the application and petition for the enrollment of Angelina Turner, Munsey H. (or Munsey Homer) Turner, John P. (or John Punyan) Turner, and Regnauld (or Reginauld) Turner, and the application for the enrollment of Ruth Turner, as citizens of the Chickasaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

W. H. H. 111
Acting Commissioner.

Registered.

Incl. 9-R-58.

9-2-06

Muskogee, Indian Territory, August 29, 1906.

Harry W. Fielding,

Davis, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered August 29, 1906, denying the application and petition for the enrollment of Angelus Turner, Mansey H. (or Mansey Homer) Turner, John B. (or John Bryan) Turner, and Reginald (or Reginald) Turner, and the application for the enrollment of Ruth Turner, as citizens of the Chickasaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Wm. O. Bell
Acting Commissioner.

Registered.

Incl. 9-2-56.

9-R-58

Muskogee, Indian Territory, August 29, 1906

Manoffield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered August 29, 1906, denying the application and petition for the enrollment of Angelus Turner, Munsey H. (or Munsey Homer) Turner, John B. (or John Bunyan) Turner, and Regnauld (or Reginauld) Turner, and the application for the enrollment of Ruth Turner, as citizens of the Chickasaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED
Wm. O. Beall.
Acting Commissioner.

Incl. 9-R-58.

Muskogee, Indian Territory, August 29, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application and petition for the enrollment of Angelus Turner, Munsey H. (or Munsey Homer) Turner, John B. (or John Banyan) Turner, and Regnauld (or Reginavld) Turner, and the application for the enrollment of Ruth Turner, as citizens of the Chickasaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated August 29, 1906, denying said applications and petition.

Respectfully,

Wm. C. Beall.
Acting Commissioner.

2 Incl. 9-R-58.

Through the
Commissioner of Indian Affairs.

(Copy)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

DO-12067-1907.
LAND.
76076-1906.

January 16, 1907.

The Honorable,
The Secretary of the Interior.

SIR:

There is enclosed herewith report of the Acting Commissioner to the Five Civilized Tribes, dated August 29, 1906, relative to the application for the enrollment of Angelus Turner, Wamsay H. (or Wamsay Humer) Turner, John B. (or John Bunyan) Turner, Reginald (or Reginald) Turner, and Ruth Turner, as citizens of the Chickasaw Nation, including the decision of the Commissioner, dated August 29, 1906, denying the application.

On June 19, 1900, application was made to the Commission for the enrollment of Angelus, Wamsay H., John B., and Reginald Turner as citizens of the Chickasaw Nation, and on July 16, 1906, a similar application in writing was filed with the Commissioner for the enrollment of Ruth Turner.

The record herein shows that the applicants claim their right to enrollment as citizens of the Chickasaw Nation by reason of being the children of Wamsay T. Turner, a white man, who is enrolled as a citizen by intermarriage of the Chickasaw Nation, and Alice M. Turner, a non-citizen white woman.

The applicants herein being miners with no Indian blood, their applications for enrollment should be denied, under the provisions of the Act of June 21, 1906 (34 Stat.L., 326), and in accordance with Departmental decision in the case of William Jones Bacon (I.T.D. 2348-1906), and it is so recommended.

Very respectfully,

G. F. Larrabee,

Acting Commissioner.

AJV-W

(Copy)

JP
FNL.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

DO-12047-1907

I.T.D. 1104, 1110, 1180, 1190-1907.

2090, 4548, 4680, 4744- "

4770, 4796, 4798 "

February 27, 1907.

DIRECT.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Chickasaw citizenship cases
adverse to the applicants are hereby affirmed, viz:

Title of case.	Date of your letter of transmittal.
Blanche and Florence Bradley,	August 28, 1906
Angelus Turner, et al.,	August 29, 1906
Lacy Neale, et al.,	August 21, 1906
Albert Agnew,	August 20, 1906
Virginia Cook, et al.,	October 5, 1906
Alice Gatewood, et al.,	September 25, 1906
Lillie May Jennings, et al.,	December 21, 1906
Martha Colbert, et al.,	October 4, 1906
Shenike and Cassay Jackson,	December 31, 1906
Sarilla A. Brittain, et al.,	January 8, 1907
James Huston St. John, et al.,	January 8, 1907.

Copies of Indian Office letters submitting your reports
and recommending that the decisions be affirmed, are inclosed.

A copy hereof and all the papers in the above mentioned
cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

11 inc. and
24 for Ind. Of.

WHE
2-28-07

9-2-68

Muskogee, Indian Territory, March 20, 1907.

Maseppa T. Turner,

Davis, Indian Territory.

Dear Sir:

You are hereby advised that on February 27, 1907, the Secretary of the Interior affirmed the decision of this office of August 29, 1906, denying the application and petition for the enrollment of Angelus Turner, Nunsey H. (or Nunsey Homer) Turner, John B. (or John Bunyan) Turner, and Regnauld (or Reginauld) Turner, and the application for the enrollment of Ruth Turner, as citizens of the Chickasaw Nation.

Respectfully,

Commissioner.

Muskogee, Indian Territory, March 20, 1907.

Harry W. Fielding,

Davis, Indian Territory.

Dear Sir:

You are hereby advised that on February 27, 1907, the Secretary of the Interior affirmed the decision of this office of August 29, 1906, denying the application and petition for the enrollment of Angelus Turner, Munsey H. (or Munsey Homer) Turner, John B. (or John Bunyan) Turner, and Regnauld (or Reginauld) Turner, and the application for the enrollment of Ruth Turner, as citizens of the Chickasaw Nation.

Respectfully,

Commissioner.

Muskogee, Indian Territory, March 20, 1907.

Mansfield, McMurray & Cernish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 27, 1907, the Secretary of the Interior affirmed the decision of this office of August 29, 1906, denying the application and petition for the enrollment of Angelus Turner, Munsey H. (or Munsey Homer) Turner, John B. (or John Bunyan) Turner, and Regnauld (or Reginauld) Turner, and the application for the enrollment of Ruth Turner as citizens of the Chickasaw Nation.

Respectfully,

Commissioner.

Chic.R-59

Chic.R-59

787

Department of the Interior,
Commission to the Five Civilized Tribes,
Oelbert, I.T., June 18th, 1900.

In the matter of the application of John O. Gillian for the enrollment of his child as a Chickasaw; being sworn and examined by Acting Chairman Bixby, he testified as follows:

- Q What is your name? A John O. Gillian.
Q What is your age? A I am in my 31 year.
Q What is your post office address? A Berwyn, I T
Q How long have you lived in the Territory? A since 76.
Q You are an intermarried citizen of the Chickasaw Nation? A Yes, sir.
Q Are you so recognized at this time? A Yes, sir.
Q Are you on the Chickasaw roll as an intermarried citizen?
A Yes, sir.
Q What county do you belong to? A Tishomingo.
Q You were married at one time to a Chickasaw Indian? A Yes, sir.
Q Did she die? A Yes, sir, in 1891, and then I married in 1892.
Q What was her name, your first wife? A Susan Brushingham.
Q Was she a recognized Chickasaw? A Yes, sir.
Q Did you marry her under Chickasaw law? A Yes, sir, you have the license and testimony.
Q And you in 1892 married who? A Nannie Largen.
Q What is her age? A I think she is 34 years old.
Q Now you are making application for the enrollment of your child by this present wife? A Yes, sir.
Q Under what law did you marry her? A United States law.
Q You don't pretend to make any claim on behalf of your wife?
A No, sir.
Q What are the names and ages of these children? A Mary D, born October 27, 1895, Amos W., born July 8, 1897, Leslie Vernon, born December 15, 1898.
Q Is there any additional statement in regard to this case you would like to make at this time? A Only that I have been recognized all the time there and that there was no objection ever brought against me as a citizen and I have exercised all the rights, privileges and immunities as a citizen.
Q This application is not for yourself, but for your child, we have your case on a card already. Have you any papers you would like to leave? A Yes, sir, if you want these papers.
(Marriage license and certificate relative to the marriage of J.O. Gillian and Nellie Largen offered in evidence and marked Exhibit A and affidavits of the mother and attending physician relative to the birth of the three children, offered in evidence and marked Exhibits B, C, and D, and made a part of the record.)

The enrollment of your children is refused. You will be furnished with a copy of the decision in writing mailed to your post office address.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes,

Bruce G. Jones

Sworn to and subscribed before me this the 28th day of June, 1900.

[Signature]

Notary Public.

9-2-06.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Mary D. Gilliam, et al., as citizens of the Chickasaw Nation.

D E C I S I O N.

It appears from the record herein that on June 19, 1900, application was made to the Commission to the Five Civilized Tribes for the enrollment of Mary D., Amen W., and Leslie Vernon Gilliam as citizens of the Chickasaw Nation. On July 18, 1906, written application was made for the enrollment of Ben Lacey Gilliam as a citizen of said nation.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes of January 2, 1906, there was filed on January 29, 1906, by Fred P. Branson of Muskogee, Indian Territory, attorney for the petitioners, a petition verified by John O. Gilliam, and submitted on behalf of his three minor children, Mary D., Amen W., and Leslie Vernon Gilliam, praying that they be enrolled as citizens of the Chickasaw Nation.

The record in this case shows that the applicants herein claim their right to enrollment as citizens of the Chickasaw Nation by reason of being the children of John O. Gilliam, whose name appears as number 431 upon a list prepared by the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), of persons entitled to enrollment as citizens by intermarriage of the Chickasaw Nation, and approved by the Secretary of the Interior October 21, 1904, and Nannie Gilliam, a non-citizen white woman.

I am of the opinion that following the ruling of the Department of April 24, 1906 (I.T.D. 4048-1906), in the case of Mary Elizabeth Martin, the application and petition for the enrollment of Mary D. Gilliam, Amen W. Gilliam and Leslie Vernon Gilliam as citizens of the Chickasaw Nation should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

I am further of the opinion that the application for the enrollment of Ben Lacey Gilliam as a citizen of the Chickasaw Nation should be denied, under the provisions of the Act of Congress approved April 26, 1906 (Public No. 129), as amended by the Act of Congress approved June 21, 1906 (Public No. 258), and it is so ordered.


Commissioner.

Muskogee, Indian Territory.

AUG 28 1906

NEW YORK

199

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Don Lacey Gilliam

as a citizen of

CHICKASAW

Nation.

Approved..... 190...

Commissioner.

Born April 4, 1903.

Act of Congress approved April 26, 1906.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

F I L E D

JUL 25, 1906

Tame Dixie Commissioner

CHICKASAW 9-672 (Cherokee Enrollment)
RECEIVED Jul 18 1906

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 20, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Chickasaw Nation,
of Don Lacey Gilliam born on the 4 day of April 1903
[Here insert name of child]
Name of Father: John Overstreet Gilliam a citizen of the Chickasaw Nation.
Name of Mother: Hannie Gilliam a citizen of the U. S. Nation.
Tribal enrollment of father: Chickasaw Tribal enrollment of mother: not enrolled
Postoffice: Berwyn, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Southern District.

I, Hannie Gilliam, on oath state that I am 39
years of age and a citizen by U. S. of the U. S. Nation;
that I am the lawful wife of John Overstreet Gilliam, who is a citizen, by
marriage, of the Chickasaw Nation; that a male child was
[Male or Female]
born to me on 4th day of April 1903; that said child has been named
Don Lacey Gilliam and was living March 4, 1906.

Hannie Gilliam

WITNESSES TO MARK:

[Must be Two
Witnesses]

(SEAL)

Subscribed and sworn to before me this 6th day of July 1906.

T. J. Carson

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Southern District.

Dr. Wright, the physician who at-
tended is now dead.

I, Ines Truitt, a mid-wife, on oath state that I
attended on Hannie Gilliam, wife of John Overstreet Gilliam
on the 4 day of April 1903; that there was born to her on said date a male
child; that said child was living March 4, 1906, and is said to have been named Don Lacey
Gilliam

Ines Truitt

WITNESSES TO MARK:

(SEAL)

[Must be Two
Witnesses]

Subscribed and sworn to before me this 20th day of July 1906.

L. P. Abernathy

Notary Public.

(COPY)

Mary D. Gilliam, et al.)
vs.)
Chickasaw Nation.)

P E T I T I O N .

-----oOo-----

In the matter of the application made for the enrollment of Mary D., Amon W., and Leslie V. Gilliam as citizens of the Chickasaw Nation.

-----oOo-----

BEFORE THE HONORABLE COMMISSIONER TO THE FIVE CIVILIZED TRIBES:

Comes now John O. Gilliam, father and natural guardian of the said Mary D., Amon W., and Leslie V. Gilliam, minors, and for and in their behalf respectfully represents:

That in the year 1880, he was married, in accordance with the laws of the Chickasaw Nation, to Susan Brushingham, a recognized citizen by blood of said tribe; that they lived together as husband and wife until the year 1891, when she died; that subsequently thereto, in the year 1892, petitioner was married to Mrs. Nannie Largen, a white person, in accordance with the laws of U. S.

Petitioner further states that he has been a continuous resident of the Choctaw-Chickasaw Country from the date of his marriage to his said Chickasaw wife up to the present time; that his rights, by reason of his said marriage, as a citizen of the Chickasaw Nation were not disputed, and that his name appears upon the final roll of intermarried citizens of said Nation, prepared by the Dawes Commission, and approved by the Secretary of the Interior.

Petitioner further states that as issue of his marriage to his said wife, Nannie Largen, the above named minor applicants, Mary D., Amon W., and Leslie V. Gilliam, were born in the Chickasaw Nation on the following dates, respectively, Mary D. October 27th, 1895, Amon W. July 8th, 1897, Leslie V. Dec. 15th, 1899, that all of said children are still living, and have never lived outside of said Nation.

Petitioner further states that on or about June 19, 1900, he appeared in person before the Commission to the Five Civilized Tribes and made application for the enrollment of said minor applicants as citizens of the Chickasaw Nation, by reason of their said father's citizenship therein; and that a record of said application will be found in the records of the Commission to the Five Civilized Tribes.

Petitioner, therefore, prays that he be permitted to establish the above allegations, if the record on file fails to disclose them fully, and that said minor applicants, Mary D., Amon W., and Leslie V. Gilliam, be enrolled on the final roll of citizens of the Chickasaw Nation, under the ruling of the Assistant Attorney General in the case of Mary Elizabeth Martin.

John O. Gilliam

Petitioner

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } SS.
SOUTHERN DISTRICT. }

Before me, Jno. W. Massey, a Notary Public within and for the Southern District of the Indian Territory, duly commissioned and acting as such, appeared in person John O. Gilliam, to me well known to be the petitioner herein, and, after being duly sworn, stated that the allegations set forth herein are true, to the best of his knowledge and belief.

Jno. W. Massey
Notary Public.

My commission expires Nov. 4th, 1906
(SEAL)

COPY

Application is hereby made to the Daves Commission for enrollment of Leslie Vernon Gilliam as a citizen of the Chickasaw tribe of Indians. This is to certify that I Nannie Gilliam wife of J. O. Gilliam, a citizen of the Chickasaw tribe of Indians did have born to me on the 15th day of December 1899 a boy child and said child was named Leslie Vernon, Gilliam and he is now living.

Nannie Gilliam.

Subscribed and sworn to before me this the 9th day of June 1900.

Felix J. King, Notary Public.

(Seal)

This is to certify that I A. H. Wright a practicing Physician did attend Nannie Gilliam wife of J. O. Gilliam in child birth on the 15th day of December 1899. And there was born to her a boy child and said child was named Leslie Vern Gilliam And he is now living.

A. H. Wright M. D.

Subscribed and sworn to before me this the 9th day of June 1900.

Felix J. King Notary Public.

(Seal)

COPY

Application is hereby made to the Dawes Commission for enrollment of Amon Wright Gilliam as a citizen of the Chickasaw tribe of Indians.

This is to certify that I Nannie Gilliam wife of J. O. Gilliam a citizen of the Chickasaw tribe of Indians did have born to me on the 8th day of July 1897 a boy child and said child was named Amon Wright Gilliam and he is now living.

Nannie Gilliam.

Subscribed and sworn to before me this 9th day of June 1900.

Felix J. King, Notary Public.
(Seal)

This is to certify that I A. H. Wright a practicing Physician did attend Nannie Gilliam wife of J. O. Gilliam in child birth on the 8th day of July 1897 and there was born to her a boy child and said child was named Amon Wright Gilliam and he is now living.

A. H. Wright M. D.

Subscribed and sworn to before me this 9th day June 1900.

Felix J. King.

Notary Public.

(Seal)

COPY

Application is hereby made to the Dawes Commission for the enrollment of Mary D. Gilliam as a citizen of the Chickasaw Tribe of Indians. This is to certify that I Nannie William wife of J. O. Gilliam a citizen of the Chickasaw Tribe of Indians did have bor to me on Oct. 27. 1895 a girl child and said child was named Mary and is Now living.

Nannie Gilliam.

Subscribed and sworn to before me this 9th day of June 1900 Fel J. King, Notary Public.

(Seal)

This is to certify that I A. N. Wright a practicing Physician did attend Nannie Gilliam wife of J. O. Gilliam in child birth on the 27th day of Oct. 1895 and there was born to her a girl child and said child was named Mary D. and is now living.

A. N. Wright, M. D.

Subscribed and sworn to before me this 9th day of June 1900.

Felix J. King,

Notary Public

(Seal)

Endorsed on back as follows:

Ex B

Filed

Jun 19 1900

Commission to Five Tribes.

COPY.

No 4.94.

MARRIAGE LICENSE.

UNITED STATES OF AMERICA

THE INDIAN TERRITORY, :SS. TO ANY PERSON AUTHORIZED BY LAW TO
THIRD JUDICIAL DIVISION. : SOLEMNIZE MARRIAGE ---GREETING:
:

YOU ARE HEREBY COMMANDED to solemnize the Rite and publish the Banns of Matrimony between Mr J. O. Gilliam of Berwyn in the Indian Territory, aged forty four years, and Mrs Annie Largers of Berwyn in the Indian Territory, aged twenty five years, according to law and do you officially sign and return this License to the parties therein named.

WITNESS my hand and Official Seal this 9th day of August A. D. 1892.

By A. D. Matthews Deputy.

Marshall L. ~~Matthews~~
Clerk of the U. S. Court.

(SEAL)

CERTIFICATE OF MARRIAGE

UNITED STATES OF AMERICA :
THE INDIAN TERRITORY :SS. I, A Sheffield a minister of the
THIRD JUDICIAL DIVISION. : gospel

DO HEREBY CERTIFY, that on the 11 day of August A. D. 1892 I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 11 day of August A. D. 1892.

My credentials are recorded in the Office of the Clerk of the United States Court, Indian Territory _____ Judicial Division, Book _____, Page _____

A Sheffield,
a minister of the gospel.

NOTE.- This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court in the Indian Territory, from whence it was issued within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars (\$100).

COPY

CERTIFICATE OF RECORD OF MARRIAGE

UNITED STATES OF AMERICA: :
THE INDIAN TERRITORY : SGT.
THIRD JUDICIAL DIVISION.: :

I, Marshall L. Bragdon, CLERK OF THE UNITED STATES COURT
IN THE TERRITORY AND DIVISION AFORESAID: Do hereby certify that the
license for, and certificate of the Marriage of Mr J. O. Gilliam
and Mrs Annie Lagers were filed in my office in said Territory
and Division the 19 day of Aug A.D. 1892 and duly recorded in Book
4 of marriage Records page 94.

Witness my hand and seal of said court this 12 day of
Sept A.D. 1892.

Marshall L. Bragdon Clerk
By A. D. Matthews Deputy.

(SEAL)

(COPY)

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary D. Gillian, Amon W. Gillian and Lealie W. Gillian as citizens of the Chickasaw Nation, Chickasaw Field No. R-59.

- - - - -

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Joanna Mickle, et al., vs. Choctaw and Chickasaw Nations, No. 37 on the South McAlester Docket, in which the said court will decide the question of whether white persons, the widows or widowers of deceased Choctaw or Chickasaw spouses, can confer rights of citizenship upon white husbands or wives whom they may remarry and upon their white children by them, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

January 23, 1904.

FILED
JUN. 19 1900
COMMISSION TO FIXE PUES.

CHICKSAW.

JUN 19 1900

John O Gilliam
Beryn, J. J.

(1st wife) Susan Brushingham.

(2nd wife) Minnie Lazen (34) (N.S.)

4, Mary D. (7)

3, Aaron W. (m)

1, Leslie V. (m)

Enrollment
of children

REFUSED.

Muskogee, Indian Territory, November 8, 1900.

McKennon, Mansfield, McMurray & Cernish,
Attorneys at Law,
South McAlester, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 8th instant in which you state that John O. Gillian has been listed by this Commission as a doubtful claimant to Chickasaw citizenship by intermarriage and you understand that he has recently enrolled his children by his present wife a white woman.

You request that the records of the Commission be examined to ascertain if such a statement is true and you be advised if any children by the name of Gillian and the children of John O. Gillian are so listed for enrollment as citizens of the Chickasaw Nation.

You are informed that the records of this Commission show that John O. Gillian, 49 years of age, of Berwyn, Indian Territory, was listed for enrollment by this Commission as a doubtful claimant to intermarried citizenship in the Chickasaw Nation, October 4th, 1898, having been married to Susan Brushingham, a Chickasaw Indian under a license issued by the County Clerk of Tishomingo County, Chickasaw Nation, July 9th, 1880 and of such marriage there were born seven children, MaryElizabeth, Olivette Harnden, James S., John O., Sallie L., Lula M. and Howard P. Gillian who have been duly listed for enrollment by this Commission as citizens by blood of the Chickasaw Nation and appear upon Chickasaw roll card field No. 572.

McKIMMEX 2

Susan Gillian, the Chickasaw wife of John O. Gillian, died in 1891 and in 1892 John O. Gillian married Nannie Lorgen.

John O. Gillian appears upon the records of this Commission on Chickasaw roll card, field No. D 130, with the notation that he has married out of the Nation. Mr. Gillian was notified on August 18th by the Commission that objection had been made to his enrollment by the representatives of the Chickasaw Nation.

As to the children of whom you now inquire, the records of the Commission show that on June 19th, 1900, John O. Gillian, appeared before the Commission at Colbert, Indian Territory and made application for the enrollment of his three minor children, Mary D. Amen W. and Leslie V. Gillian, as citizens of the Chickasaw Nation, claiming their rights to enrollment as citizens of that Nation by virtue of the fact that he was a recognized and enrolled citizen by intermarriage of the Chickasaw Nation.

The Commission after hearing his testimony in behalf of these children and it developing that they were the children of white persons having no rights to Chickasaw citizenship by blood, refused their enrollment. The names of these children appear upon Chickasaw card, field No. R 59.

Yours truly,

Acting Chairman.

Chickasaw R 59

Muskogee, Indian Territory, February 9, 1904.

J. O. Gillian,

Berwyn, Indian Territory.

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to the enrollment of your three minor children, Mary D., Amon W. and Leslie V. Gillian, as citizens of the Chickasaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

9-R-59

Muskogee, Indian Territory, August 28, 1906.

J. O. Gilliam,

Perwyn, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered August 28, 1906, denying the application and petition for the enrollment of Mary D. Gilliam, Amon W. Gilliam and Leslie Vernon Gilliam, and the application for the enrollment of Don Lacey Gilliam, as citizens of the Chickasaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Wm. C. Doall

Acting Commissioner.

Registered.

Incl. 9-R-59.

9-R-69

Muskogee, Indian Territory, August 28, 1906.

Fred P. Branson,

Muskogee, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered August 26, 1906, denying the application and petition for the enrollment of Mary D. Gilliam, Amos W. Gilliam and Leslie Vernon Gilliam, and the application for the enrollment of Don Lacey Gilliam, as citizens of the Chickasaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Acting Commissioner.

Registered.

Incl. 9-R-69.

Muskogee, Indian Territory, August 28, 1906.

COPY.

Wansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered August 28, 1906, denying the application and petition for the enrollment of Mary D. Gilliam, Amon W. Gilliam and Leslie Vernon Gilliam, and the application for the enrollment of Ben Lacey Gilliam, as citizens of the Chickasaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Wm. C. Bell
Acting Commissioner.

Incl. 9-R-59.

Muskogee, Indian Territory, August 29, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application and petition for the enrollment of Mary D. Gilliam, Azon W. Gilliam and Leslie Vernon Gilliam, and the application for the enrollment of Don Lacey Gilliam, as citizens of the Chickasaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated August 28, 1906, denying said applications and petition.

Respectfully,

SIGNED

Acting Commissioner.

2 Incl. 9-R-59

Through the
Commissioner of Indian Affairs.

COPY.
DEPARTMENT OF THE INTERIOR,
WASHINGTON.

DLM.
LLB

D.C.5168-1907.
I.T.D.1018-1907.
LRS.

January 21, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir: A

August 28, 1906, the Acting Commissioner transmitted the record in the matter of the application for the enrollment of Veneta (or Vinita) Cawdell, Leo Cawdell, and Marie (or Mary) Cawdell as citizens of the Chickasaw Nation, including your decision of the same date, adverse to the applicants.

Reporting January 15, 1907 (Land 75636-1906), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Thos Ryan.

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 2 to Ind. Of.

COPY.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND.

January 15, 1907.

75636-1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of the Acting Commissioner to the Five Civilized Tribes, dated August 28, 1906, relative to the application and petition for the enrollment of Veneta (or Vinita) Cawdell, Leo Cawdell and Marie (or Mary) Cawdell, as citizens of the Chickasaw Nation, including the decision of the Commissioner, dated August 28, 1906, denying the application and petition.

Application was made to the Commission to the Five Civilized Tribes for the enrollment of the above named persons as citizens of the Chickasaw Nation on June 19, 1900.

The record shows that the applicants herein claim their right to enrollment by reason of being the children of Joe Cawdell, now deceased, an alleged citizen by intermarriage of the Chickasaw Nation, and Nettie Cawdell, a white woman, whose application for enrollment as a citizen by intermarriage was denied by the Commissioner on April 21, 1906, and by the Department on May 24, 1906.

The applicants herein being minors with no Indian blood, it is recommended that their application for enrollment as citizens of the Chickasaw Nation be denied, in accordance with the provisions of the Act of Congress approved June 21, 1906, (34 Stat.L., 325), and Departmental ruling in the case of William Jesse Bacon (I.T.D.2548-1906).

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

AJW-EH

9-R-61
W-108

Muskogee, Indian Territory, February 2, 1907.

Nettie Cawdell,

Weatherford, Oklahoma.

Dear Madam:

You are hereby notified that on January 21, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes rendered August 28, 1906, denying the application and petition for the enrollment of Veneta (or Vinita) Cawdell, Leo Cawdell and Marie (or Mary) Cawdell, as citizens of the Chickasaw Nation.

Respectfully,

Commissioner.

9-R-61

W-108

Muskogee, Indian Territory, February 2, 1907.

J. B. Campbell,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on January 21, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes rendered August 28, 1906, denying the application and petition for the enrollment of Veneta (or Vinita) Cawdell, Leo Cawdell and Marie (or Mary) Cawdell, as citizens of the Chickasaw Nation.

Respectfully,

Commissioner.

Muskogee, Indian Territory, February 2, 1907.

Charles M. Fehheimer,

Chickasha, Indian Territory.

Dear Sir:

You are hereby notified that on January 21, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes rendered August 28, 1906, denying the application and petition for the enrollment of Veneta (or Vinita) Cawdell, Leo Cawdell and Marie (or Mary) Cawdell, as citizens of the Chickasaw Nation.

Respectfully,

Commissioner.

Muskogee, Indian Territory, February 2, 1907.

Holding & Bond,

Attorneys at Law,

Chickasha, Indian Territory.

Gentlemen:

You are hereby notified that on January 21, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes rendered August 28, 1906, denying the application and petition for the enrollment of Veneta (or Vinita) Cawdel , Leo Cawdell and Marie (or Mary) Cawdell, as citizens of the Chickasaw Nation.

Respectfully,

Commissioner.

9-R-61

W-108

Muskogee, Indian Territory, February 2, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on January 21, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes rendered August 28, 1906, denying the application and petition for the enrollment of Veneta (or Vinita) Cawdell, Leo Cawdell and Marie (or Mary) Cawdell, as citizens of the Chickasaw Nation.

Respectfully,

Commissioner.

Chic. R-60

Chic. R-60

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Colbert, Indian Territory, June 19, 1900.

In the matter of the application of Katie Miller, and her minor children, for enrollment as citizens by blood of the Chickasaw Nation, Katie Miller being first duly sworn by Acting Chairman, Bixby, testified as follows:

Q What is your name? A Katie Miller.

Q How old are you? A Forty-eight years old.

What is your postoffice address? Berwyn, I. T.

Q Do you live at Berwyn? A Yes sir, that is my postoffice.

Q Are you a Chickasaw? A Yes sir.

Q You make application to this Commission as a Chickasaw by blood? A Yes sir.

Q What is the name of your father? A Why, I don't know, I can't think of it.

Q You don't know what your father's name is? A My mother's husband was named Joe Hall.

Q Was that your father? A Yes sir, Joe Hall; that's all the name I know.

Q Is he living? A Not that I know of.

Q What is your mother's name? Polly McAlester.

Q Is she living? A No sir, she's dead.

Q Do you claim your Indian blood through your father or your mother? A A My mother, I claim through her.

Q To what county in the Chickasaw Nation did your mother belong?

A I guess it was Pickens county, that's all the county I know anything about.

Q Was your mother's name ever on any of the tribal rolls of the Chickasaw Nation? A She said it was.

Q Do you know of your own knowledge? A No sir, she said it was, but that it burned up at Tishomingo when the Court house burned up.

Q What roll was burned up? A I don't know.

Q How long has your mother been dead? A Since '90

Q Then that must have been some roll made prior to 1890? A I guess so.

Q Do you know how her name got on that roll. A ~~X~~ No sir, I was too small to know that.

Q Do you know of your own knowledge that your mother's name was on any roll? A No sir; I only know what she said.

Q Your mother was a full-blood Chickasaw? A Yes sir; could not talk English.

Q What was your father? A He was a Freedman; Joe Hall was.

Q Is he living? A No sir, not that I know of.

Q You don't know anything about him? A No sir, saw him only once or twice, that's all.

Q I asked you if your name was on any of the tribal rolls of the Chickasaw Nation? A Yes sir, she said mine was on the rolls.

Q Do you know whether or not your name is on the rolls of Chickasaw citizens made in 1896? A When was that?

Q Four years ago? A Well, about seven years ago I sent to Washington.

Q Did you draw any money in 1893 as a Chickasaw? A No sir.

Q Did you ~~draw any~~ make any application in 1893? A Yes, for my rights.

Q Why did you not draw money in 1893? A I did not make application for money, it was just seven years ago that I commenced to prove.

Q You did not draw any money in 1893? A No sir.

Q To what county in the Chickasaw Nation do you claim to belong?

A To Pickens county.

Q That is where your tribal enrollment would be? A In Pickens county, yes sir.

Katie Miller, -2-

The 1896 tribal roll of the Chickasaw Nation examined and the name of Katie Miller not found thereon.

Q Did you ever apply to the tribal authorities of the Choctaw Nation for enrollment? A Yes sir.

Q When? A Seven years ago.

Q What action did the tribal authorities take in regard to your case? A Well, you see, I sent to Washington - -

Q But that is not tribal authority, I meant the authorities of the Chickasaw Nation? A No sir, I never did make application to them that I know of.

Q Did you ever go before their citizenship committees. A Well, not if I understand.

Q You never applied to the Chickasaw authorities for enrollment? A No sir.

Q Did you apply to the Commission to the Five Civilized Tribes, in 1896? A Yes sir.

Q You made application to this Commission in 1896? A Yes sir, that was - -

Q Did you make application for yourself? A Yes sir.

Q As Katie Miller? A Yes sir.

Q You understand me when I say 1896? A Yes sir, that was four years ago; I have been trying now for going on seven years.

Q You do not know then whether you did make application in 1896?

A Yes sir, I know I did not now.

Q Then you have never made application to either the authorities of the Choctaw Nation or of the United States for citizenship in the Choctaw Nation? A No sir.

Q This then, is your first appearance before this Commission? A No sir.

Q When did you appear before? A Last fall, I believe at Canadian, that was in '98.

Q Then you did apply in 1898? A Yes sir, at Canadian.

Q What action did the Commission take in your case at that time? A They told me to get witnesses; that my statement was all right. I have two witnesses herenow.

Q Are you married? A Yes sir.

Q What is your husband's name? A Jack Miller. I was married, now we don't live together.

Q How old is he? A About 58 years old.

Q Is he living? A I don't know.

Q You are divorced from him? A Yes sir.

Q Were you divorced or did you just separate? A Divorced.

Q Under what law were you married to him? A I guess it was the law of Texas.

Q Have you any children? A Yes.

~~Do you claim anything for them?~~ A Yes ~~sir~~ ~~no~~

Q Do you claim anything for them? A Yes sir.

Q What do you claim them to be? A Chickasaws by blood.

Q Give the names and ages of your children who are under 21 and unmarried? A George Miller 20, Pollina 17.

Q Is that all? A I have grand children.

Q Was the mother of this grand child married? A No sir.

Q Are these two children the only ones that you can make any record of in this case? A Yes sir.

Q How you desire to make claim for your sister's children? A Yes sir.

Q Are they living with you? A Yes sir.

Q You have their care and must pay and care for and look after them?

Q Yes sir; I have for ten years.

Q What are the names and ages of these children of your sister's? A A. Delmo Griffiths 20, Crosswell 17, Cleveland 16, Thurmond 15, Malinda 11.

Q Who is the mother of these children? A My sister, Malinda G. Griffiths.

Q She dead? A Yes sir.

Katie Miller. -3-

Q Who was their father? Craig Griffeiths.
Q You also desire to make application for your grand child, child of your daughter Paulina? A Yes sir.
Q What is the name of this child? Rena Miller.
Q How old is she? A Five years old.
Q She is an illegitimate child of your daughter? A Yes sir.
Q You don't know who its father is? A No sir.
Q Do all of these children live with you? A Yes sir, all but Delmo and George. They are workin- in Texas.
Q They don't live with you? No sir, not now. They are coming home; to my home.
Q How long do they stay in Texas, when they go there to work? A When they go there? Six months and one year.
Q They come to visit you sometimes? A No sir, they come to stay.
Q They do n't make their home there? Well, George does, but he left the Territory when all -
Q How long? A Eight years since.
Q He left the Territory eight years since? A Yes sir.
Q Have you been out of the Territory within the last eight years.
A No sir, Have lived right here
Q Are there any additional statements you deaire to make in regard to your case at this time? A No sir.
Q Are there any papers that you desire to file in the way of affidavits or other proper papers? A No sir.
(Witness) Do you want to examine / my witnesses?
(Co mission) What do you desire to prove by your witnesses? A Prove what my mother was that's all I want to prove by my witnesses.

Matilda Gigger being first duly sworn by Acting Chairman, Bixby, testified as follows:

Q What is your name? A Matilda Gigger.
Q How old are you? A Between seventh and eighty.
Q You know Katie Miller? A No sir, I don't know nothing about her but I knew her mother.
Q You don't know this woman then? A No sir
Q You don't know her mother then? A Yes I do.
Q How do you know her mother if you don't know. (No answer)
Q Do you know that this woman is Katie Miller. A No sir I don't know her.
Q Then you don't know her mother do you? A Yes sir I do.
Q Do you know that this woman is Katie Miller? (No answer)
Q D You don't know anything about her then? A No sir.
Q Do you know Polly McAlester? A No sir, I don't
(To Kattie Miller) Q What does your ether witness know? A He just knew my mother, but he didnt know anything about her.
Q Have you any papers that you wise to file? A No sir

The decision of the Commission as to your application on your own behalf and on behalf of your children, and also on behal of the children of your sister now in your custody and on behalf of your grand child, as Chickasaw citizens by blood, will be mailed to you in writing at your present poste fice address in the near future.

A. McElrath, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing case and that the above and foregoing is a full, true and complete transcript of his stenographic notes in said cause.

Subscribed and sworn to before me this 14 day of Aug, 1900.

AmcElrath
[Signature]
Acting Chairman.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Katie Miller for the enrollment of herself and her two minor children, George and Pollina Miller, her grand-child, Rena Miller, and her sister's children, Delmo, Cromwell, Cleveland and Thurmond and Malinda Griffeths as citizens by blood of the Chickasaw Nation.

DECISION.

It appears from the record in this case that on June 19, 1900, the applicant, Katie Miller, appeared before the Commission at Colbert, Indian Territory, and made application for the enrollment of herself, her two minor children, George and Pollina Miller, her minor grand-child, Rena Miller, and her sister's children, Delmo, Cromwell, Cleveland, Thurmond and Malinda Griffeths as citizens by blood of the Chickasaw Nation.

It appears from the evidence offered in support of said application and examination of the tribal rolls of the Chickasaw Nation in the possession of the Commission that the applicants above named have never been enrolled as citizens of the Chickasaw Nation and that their names do not appear upon the tribal rolls of the Chickasaw Nation.

It further appears from an examination of the records in the possession of the Commission that these applicants have never been admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes, or the legally constituted authorities of the said nation or the United States Court in Indian Territory on appeal in accordance with the act of Congress of June 10, 1898 (30 Stats., 321).

The act of Congress of June 30, 1896 (30 Stats., 400), provides:

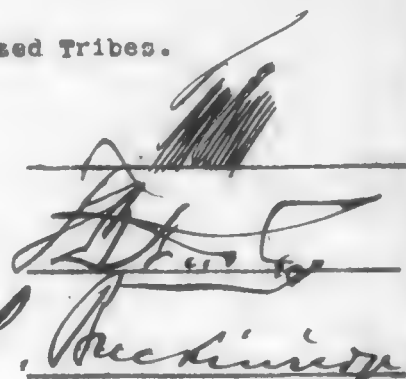
"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900 (31 Stats., 221), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is therefore the opinion of this Commission that Katie Miller, her two minor children, George and Pollina Miller, her minor grand-child, Rena Miller, and her sister's children, Delmo, Cronwell, Cleveland, Thurmond and Malinda Griffeths are not lawfully entitled to be enrolled as members of the Chickasaw Tribe of Indians in Indian Territory and that their application as such should be refused, and it is so ordered.

The Commission to the Five Civilized Tribes.


C. R. Beckwith
Commissioner.

Dated at Muskogee, Indian Territory,
this 24 day of January, 1902.

MY NAME IS KATIE MILLER
MY OLDEST CHILD WILLIAM ISAAC AGE 22 YRS OLD
2nd CHILD GEORGE AGED 20 YRS
3RD CHILD POLLINA AGED 17 YRS OLD

THE FOLLOWING ORPHAN CHILDREN THE CHILDREN OF MY SISTER MELINDA
GRIFFITHS
1ST CHILD DELMO A BOY AGED 20 YRS
2ND CROMWELL 18 YRS OLD
3RD CHILD - CLEVELAND 16YRS OLD-
4TH THURMOND AGED 13th YRS
5TH MALINDA AGED 11 YRS

I HAVE ALSO A GRANDCHILD THE DAUGHTER OF MY DAUGHTER PAULINA AGED
NAMED ALMA AGED 4YRS OLD THESE CHILDREN ALL LIVE WITH ME BUT THE TWO
BOYS ISAAC & GEORGE - MY TWO OLDEST
THESE CHILDREN ARE ALL GRANDCHILDREN & GREAT GRANDCHILDREN OF POLLY

Katie Miller

POST OFFICE IS HERWYN I T

SWORN TO BEFORE ME JAS RENNIE THIS 11TH DAY OF JANY 1 (00)

James Rennie

(Seal)

NOTARY PUBLIC SOUTHERN DISTRICT IND TER

MY COM EXPIRES MAR 15TH 1903

Endorsed:

Filed Jun 19 1900

United States of America
United States of America
Indian Territory America
Chickasaw Nation
Southern District

On this 21 day of November 1900 personally appear-
ed before me, David Williams a Notary Public within and for the
Southern District of the Indian Territory, Catherine Franklin of
Wynnewood, Chickasaw Nation, Ind. Ter. known to me to be a competent
and reliable witness, who on her oath testifies as follows:-

My name is Catherine Franklin, I am about 75 years of age, my
past office address is Wynnewood, Ind. Ter.; I am personally and
well acquainted with claimant, Katie Miller, I was also personally
acquainted with Katie Miller's mother who was named Polly. She,
Polly, lived with Shocmahah, I knew said Polly before the war of
the rebellion, at Deaksville, Ind. Ter. and knew her to be a
Chickasaw Indian by blood. She, Polly, died in the state of Texas

about twelve years ago.

My masters name was Jackson Kemp of the Choctaw Nation,
Indian Territory.

Witness:-

her
Catherine x Franklin
mark

T. L. Brown

Subscribed and sworn to before me this 22d day of November
1900. And I certify that owing to her age and infirmities it is im-
possible for her to appear in person before the Commission to testify

David Williams

Notary Public

(Seal)

Endorsed

Department of the Interior
Commission to the Five Civilized Tribes
Filed

Jan 3 1901 Tams Bixby
Acting Chairman

FILED
JUN 19 1900
COMMISSION TO FIVE TRIBES.

MEMORANDA.

(Date) 11/11/1909

Name

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

20	Young	County	Year	Page	No.
17	Parkman	County	Year	Page	No.
	Sister's Captain	County	Year	Page	No.
20	Kelley	County	Year	Page	No.
17	?	County	Year	Page	No.
16	?	County	Year	Page	No.
13	?	County	Year	Page	No.
11	?	County	Year	Page	No.
	?	County	Year	Page	No.
5	Rena Miller	County	Year	Page	No.

Illegitimate child of Pollino Miller.

Chickasaw by blood.

Wagon, Indian Territory, June 24, 1900

Katie Miller,

Berwyn, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of August 18th in which you desire to be informed where it will be possible for you to meet the Commission. You do not state in your letter for what purpose you desire to appear before the Commission and we are therefore at a loss to give you a satisfactory answer to your letter. If it is your purpose to make application for enrollment, it will be necessary for you to appear in person before the Commission for examination and unless you desire to make such application as a citizen of the Cherokee Nation, the Commission can only hear you at the office in Muskogee.

The records of this Commission show that a Katie Miller of Berwyn, Indian Territory, 48 years of age, together with the members of her family made application to the Commission for enrollment as citizens of the Chickasaw Nation at Colbert, Indian Territory, June 19th, 1900 and that the Commission has after considering the testimony and evidence submitted in that case, refused the application. If you are the Katie Miller who applied at that time the Commission cannot further consider your case as an applicant for enrollment as a citizen of the Chickasaw Nation.

If you will state more fully just what your purpose is at

E. H. S.

this time, the Commission will endeavor to give you more definite information.

Yours truly,

Acting Chairman.

9-30

Mustang, Indian Territory, March 1, 1901.

Katie Miller,

Mustang, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 21st of February, but the Commission is unable to understand what information you desire.

If you will state clearly and concisely to the Commission what you desire to know, the matter will be given further attention.

You are informed that the records of the Commission show that on June 19th, 1900, Katie Miller, 48 years of age, of Mustang, Indian Territory, appeared before the Commission at Colbert, Indian Territory and made application for the enrollment of herself and her children, George and Felina Miller and her grand child, Jess Miller and Dolma, Crowell, Cleveland, Thurmond and Malinda Griffiths, as citizens by blood of the Chickasaw nation.

The Commission has not up to this time rendered a decision in the matter of your application but contemplates doing so in the near future, when a copy of such decision stating fully therein the reason for any action that may be taken by the Commission, will be mailed to you.

Yours truly,

Acting Chairman.

Mankegee, Indian Territory, July 11, 1901.

Katie Miller,

Berwyns, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 9th instant, relative to what procedure you should adopt so as to prohibit the selling of your improvements.

Replying to your inquiry, you are informed that the information contained in your letter is of too meager a character for the Commission to render you any advice or assistance. You are informed, however, that controversies over the possession of land in the Choctaw and Chickasaw Nations is a matter over which this Commission has no jurisdiction. The Commission is now only preparing rolls of citizenship in these two Nations.

Matters relative to the rights of citizens of these two Nations to the possession of certain tracts of land therein, would properly come before a land office when such is established for the purpose of allowing citizens of these two Nations to make selections of and file upon their prospective allotments.

It does not appear from our records that you or your children have ever been listed for enrollment as citizens of the Choctaw or Chickasaw Nation; it does appear that on June 19, 1900, Katie Miller

K. M.--2.

ler, of Berwyn, I. T., made application to this Commission for enrollment of herself and her two children and five children by the name of Griffiths as citizens of the Chickasaw Nation. It does not appear from the testimony in this application for enrollment that you or your children, or nephew and nieces, have ever been enrolled by the Chickasaw tribal authorities or ever admitted to citizenship in that Nation, or that you have any rights to enrollment as citizens of the Chickasaw Nation.

Yours truly,

Commissioner in Charge.

9-R 60

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Wadonga, Indian Territory, July 20, 1901.

Paulene Cadon,

Peruyn, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 26th instant, in which you state that you recently seen a letter addressed to your mother, Katie Miller, by the Commission, relative to her rights to citizenship in the Chickasaw Nation, and you now desire a clearer and better understanding as to the rights of your mother and yourself. You also desire information as to what steps to take relative to the possession of a certain tract of land in the Chickasaw Nation that you have leased, stating that the leaseholder is now claiming possession of the same.

From your letter it is presumed that you are the Pauline Miller for whom an application was made by Katie Miller, of Peruyn, Indian Territory, for enrollment as a citizen of the Chickasaw Nation, at Sallisat, Indian Territory, June 15, 1900. The Commission can render you no further statement or opinion relative to your rights to citizenship in the Chickasaw Nation, than contained in the letter to Katie Miller, of July 11, 1901.

The Commission cannot at this time hear or consider any controversies arising between citizens or claimants to citizenship in

P. C.--P.

the Chickasaw Nation, relative to the possession of any certain tract of land within the Choctaw-Chickasaw country. Matters of this character will receive the attention of an allotment office when such is established in the Choctaw-Chickasaw country for the purpose of allowing citizens of these two nations to make selections of and file upon their prospective allotments.

Yours truly,

Acting Chairman.

9-R 60

Muskogee, Indian Territory, January 17, 1902.

Katie Miller,

Barwyn, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 15th instant, stating that you are living on a section of land that you desire to allot for yourself and your children and enclose a slip containing the numbers as taken by you from the corner stones of the said section.

You further state that this land is now in the possession of non citizens who claim a ten year lease thereon and you desire to be informed as to the procedure for you to ~~proceed~~ to obtain possession of this land.

You are advised that it does not appear from an examination of our records that any person by the name of Katie Miller has ever been listed for enrollment by this Commission as a citizen of either the Choctaw or Chickasaw Nations.

It does appear, however, that at Colbert, Indian Territory on June 19, 1900, Katie Miller, 48 years of age, made personal application to this Commission for the enrollment of herself and her two children, George and Pollina Miller and for certain orphan children for whom she was the guardian. It does not appear,

however, that the names of any persons for whom the application was made had ever been recognized or enrolled by the Chickasaw tribal authorities as citizens of the Chickasaw Nation nor had they ever been admitted to citizenship in the Chickasaw Nation by either the Chickasaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1898.

In this connection your attention is invited to the following provision of the act of Congress of May 31, 1900, defining the present authority of the Commission:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

The slip ~~submitted~~ in your letter containing the numbers of the section that you desire to take as your allotment is herewith returned for the reason that the Commission cannot at this time record the selections of the allotments of citizens of the Choctaw and Chickasaw Nations.

You are further advised that the Commission can not consider or make any record of controversies between persons relative to the possession of any tracts of land in the Chickasaw country. Matters of this character will receive the attention of the Commission upon the establishment of an allotment office in

K H S

the Choctaw-Chickasaw country for the purpose of allowing the citizens of these two tribes to make selection of and file upon their prospective allotments.

The present status of the rights to enrollment of yourself and the persons for whom you applied on June 19, 1900, is that of applicants for enrollment whose rights have not been determined.

Yours truly,

Commissioner in Charge.

S R 60

Map Y 24

Muskogee, Indian Territory, January 22, 1902.

E. D. W. John,

Berwyn, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th instant, in which you desire to be informed if certain persons named therein have been enrolled by this Commission as citizens of either the Choctaw or Chickasaw Nations.

Replying to your inquiry you are advised that it does not appear from our records that any application has ever been made to this Commission for the enrollment of George and Pollina Stull as citizens of either the Choctaw or Chickasaw Nations nor are their names found upon any of the tribal rolls of either of these nations in the possession of the Commission.

Relative to the other persons concerning whom you inquire, you are informed that it appears from our records that at Colbert, Indian Territory, on June 19, 1900, Katie Miller, 48 years of age, of Berwyn, Indian Territory, made personal application to this Commission for the enrollment of herself and the following minor children, members of her family: George, Pollina and Rosa Miller and Delma, Crowell, Cleveland, Thurmond and Malinda Griffiths, as citizens by blood of the Chickasaw Nation. It does not appear

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that these persons have ever been recognized or enrolled as citizens of the Chickasaw Nation by the tribal authorities thereof nor that they have ever been admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes or decree of the United States Court in Indian Territory.

The Commission has not up to this time rendered any decision relative to the final rights to enrollment of these persons as citizens of the Chickasaw Nation.

You are further advised that the Commission cannot at this time take any cognizance of or make any record of controversies existing between persons as to their right to hold any particular tract of land in the Choctaw and Chickasaw Nations. Matters of this character will receive the attention of the Commission upon the establishment of an allotment office in the Choctaw-Chickasaw country for the purpose of allowing the citizens of these two tribes to make selection of and file upon their prospective allotments.

Yours truly,

Acting Chairman.

22732

- Copy -

Muskogee, Indian Territory, January 24, 1902.

Katie Miller,

Berwyn, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and your two minor children, George and Pollina Miller, your grandchild, Rena Miller, and your sister's children, Delmo, Cromwell, Cleveland, Thurmond, and Malinda Griffiths, as citizens by blood of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(Signed) TAMS BIXBY.

Acting Chairman.

1 inclosure
Chickasaw 60
Registered

Copy.

Muskogee, Indian Territory, January 24, 1902.

Messrs Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Katie Miller and her two minor children, George and Pellina Miller, her grandchild, Rena Miller, and her sister's children, Delmo, Gromwell, Cleveland, Thurmond, and Malinda Griffeiths, as citizens by blood of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED) TAMS BIXBY.

Acting Chairman.

1 inclosure
Chickasaw R 60
Registered

- Copy -

Muskogee, Indian Territory, January 24, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Katie Miller and her two minor children, George and Pollina Miller, her grandchild, Rena Miller, and her sister's children, Delmo, Cromwell, Cleveland, Thurmond, and Malinda Griffiths, as citizens by blood of the Chickasaw Nation, including the decision of the Commission, dated January 24, 1902, refusing the application for the enrollment of Katie Miller and her two minor children, George and Pollina Miller, her grandchild, Rena Miller, and her sister's children, Delmo, Cromwell, Cleveland, Thurmond, and Malinda Griffiths, as citizens of said nation.

Respectfully,

(Signed) TAMS BIRBY.

Acting Chairman.

1 inclosure
Chickasaw R 60

Through the Commissioner
of Indian Affairs.

Muskogee, Indian Territory, January 28, 1902.

Katie Miller,

Berwyn, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 25th instant enclosing letters of the Commission addressed to you under dates of March 1, 1901, and January 17, 1902, also a paper designating the corners of the section of land in the Chickasaw Nation that you desire to have recorded as your allotment of the lands of the Cheatew-Chickasaw country.

The enclosures in your letter are returned to you herewith with the information that the Commission on January 24, 1902, after a careful consideration of the application made by you for the enrollment of yourself and your minor children as citizens of the Chickasaw Nation refused the same, a copy of such decision being forwarded you by registered mail on the same date and the record in the case transmitted to the Secretary of the Interior at that date for his approval of the Commission's action.

The Commission finding you and your children not to be citizens of the Chickasaw Nation, does not consider that you are in any manner entitled to the possession of any tract of land in

K M S

the Chickasaw country as such citizen. In our letter of the 17th of January, 1902, we fully advised you that the Commission could not consider any controversies relative to the possession of land in the Choctaw-Chickasaw country.

You will in due time be advised of the action of the Secretary of the Interior in reviewing the decision of the Commission refusing the application for the enrollment of yourself and children as citizens of the Chickasaw Nation.

Yours truly,

Acting Chairman.

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Enc Y 80

D. C. No. 3759-1902

(COPY)

L. R. S.

12970

J. P.

F .

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

I.T.D.1123 &
1101-1902.

February 28, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Your decision of January 24, 1902, rejecting the application for enrollment of Katie, George, Pollina and Rena Miller, and Delmo, Cromwell, Cleveland, Thurmond and Malinda Griffeiths as citizens by blood of the Chickasaw Nation, case 60, in accordance with the act of May 31, 1900 (31 Stat., 221), is hereby affirmed, as recommended by the Commissioner of Indian Affairs in letter of February 14.

Respectfully,

Thos. Ryan

Acting Secretary.

E.M.D.

COPY.

Chickasaw R 60

Waukegee, Indian Territory, March 14, 1902.

Messrs Mansfield, McMurray & Cornish,

Attorneys for the Chectaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior under date of February 28, 1902, affirmed the decision of the Commission, dated January 24, 1902, denying the application made by Katie Miller for the enrollment of herself, her two minor children, George and Pollina Miller, her minor grand-child, Rena Miller, and her sister's children, Delmo, Crowell, Cleveland, Thurmond and Malinda Griffeths, as citizens of the Chickasaw Nation.

Yours truly,

I. B. Needles.

(SIGNED).

Commissioner in Charge.

COPY.

Chickasaw R 60

Muskogee, Indian Territory, March 14, 1902.

Katie Miller,

Berwyn, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior under date of February 28, 1902, affirmed the decision of the Commission, dated January 24, 1902, denying the application made by you for the enrollment of yourself, your two minor children, George and Pollina Miller, your minor grand-child, Rena Miller, and your sister's children, Delmo, Cromwell, Cleveland, Thurnend and Malinda Griffeths as citizens of the Chickasaw Nation.

Yours truly,

~~RECEIVED~~

T. B. Needles.

Commissioner in Charge.

Muskogee, Indian Territory, March 20, 1902.

Katie Miller,

Barwyn, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 7th instant in which you desire to be informed if you and your children have been enrolled as citizens of the Chickasaw Nation and that if you have not, that you be advised as to the proper procedure for you to take in order to be so enrolled.

Replying to your inquiry you are advised that on February 28, 1902, the Secretary of the Interior approved the decision of the Commission rejecting the application for the enrollment of yourself, George, Pollina and Rena Miller, and Delmo, Cromwell, Cleveland, Thurmond and Malinda Griffeiths as citizens of the Chickasaw Nation.

This action of the Secretary of the Interior approving the decision of the Commission is final as to the rights to enrollment of yourself and the above named children as citizens of the Chickasaw Nation and the Commission to the Five Civilized

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ENC

Tribes nor any other tribunal of the United States government can not further entertain any application that you may make for the enrollment of yourself and said children as citizens of the Chickasaw Nation.

Yours truly,

Commissioner in Charge.



Chickasaw R 60

Muskogee, Indian Territory, April 10, 1902.

Paulina Badens,

Berwyn, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 5th instant, stating that your mother, Katie Miller, made application for your enrollment and asking if you cannot be enrolled now if you come to Muskogee.

Replying to your letter you are advised that the records of this office show that on January 24, 1902, the Commission refused the application made by Katie Miller for the enrollment of herself, her children, George and Pollina Miller, her grand-child, Rena Miller, and her sister's children as citizens of the Chickasaw Nation and on that date transmitted to Katie Miller a copy of said decision.

You are further advised that on February 28, 1902, the Secretary of the Interior affirmed the action of the Commission in refusing to enroll Katie Miller and the persons for whom she made application as citizens of the Chickasaw Nation and that such action is final and that the persons included in said application are in no way entitled to rights to citizenship or enrollment in

the Chickasaw Nation nor can this Commission or any other authority
of the United States or of the Chickasaw Nation further entertain
an application for such enrollment.

Yours truly,

Acting Chairman.

Chickasaw R 60

Muskogee, Indian Territory, May 6, 1902.

Sam H. Butler,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 2nd instant, in which you desire to be informed if a date has been set for the final hearing in the matter of the application of Katie Miller for the enrollment of herself and family as citizens of the Chickasaw Nation.

Replying to your letter you are informed that on [redacted] 1902, the Secretary of the Interior affirmed the action of the Commission refusing the application for the enrollment of Katie Miller, her children, George and Pollina Miller, her grand-child, Rena Miller, and her sister's children, Delme, Cromwell, Cleveland, Thurmont and Malinda Griffiths, of which Katie Miller was duly notified on March 14, 1902.

This action of the Secretary of the Interior approving the decision of the Commission is final as to the rights to enrollment of Katie Miller and the persons for whom she applied as citizens of the Chickasaw Nation, and the Commission to the

5232

Five Civilized nor any other tribunal of the United States government can not further entertain any application that she might make for the enrollment of herself and family as citizens of the Chickasaw Nation.

Yours truly,

Commissioner in Charge.

Chickasaw P. 60

Muskogee, Indian Territory, July 12, 1904.

Ettie Miller,

Tulsa, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of July 7, in which you desire to present evidence in support of your claim to enrollment in the Chickasaw Nation.

In reply to your letter you are advised that it appears from our records that on January 24, 1902, the Commission rendered its decision refusing your application for the enrollment of yourself and your children, George and Pollina Miller, your grand child Rena Miller and your children, Cromwell, Cleveland, Thurmond and Malinda Griffiths and your cousin Dellus Griffiths, as citizens of the Chickasaw Nation. On the same date the applicants were notified of this action of the Commission and their record in the case was forwarded to the Secretary of the Interior. On February 28, 1902, the Secretary of the Interior affirmed the decision of the Commission notice of such departmental action having been forwarded you on March 14, 1902. The Commission therefore considers this case closed.

Respectfully,

Chairman,

Muskogee, Indian Territory, March 10, 1906.

[COPY]

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to transmit herewith, for Departmental consideration, a petition submitted by Albert J. Lee, an attorney at law, of Ardmore, Indian Territory, praying for a reconsideration of the decision of the Commission to the Five Civilized Tribes, refusing the application made by Katie Miller for the enrollment of herself and her children as citizens of the Chickasaw Nation.

I have the honor to report, in reference to this petition, that on January 24, 1902, the Commission to the Five Civilized Tribes rendered a decision refusing the application made by Katie Miller for the enrollment of herself and her two minor children, George and Pellina Miller, and her grandchild, Rena Miller, and her sister's children, Delmo, Cromwell, Cleveland, Thurmond and Malinda Griffeiths, as citizens of the Chickasaw Nation, which decision was affirmed by the Secretary of the Interior February 28, 1902 (I T D 1123, 1101-1902).

Respectfully,

SIGNED *Wm. O. Beall.*

Through the
Commissioner of Indian Affairs.

Acting Commissioner.

Chickasaw R 60.

JP

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

April 6, 1906.

D.C. 13166-1906.
I.T.D. 5282-1906.

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory,

Sir:

With letter of March 30, 1906, the Indian Office submitted a petition for reconsideration of Chickasaw enrollment case of Katie Miller et al., in which on February 28, 1902, the Department affirmed the decision of the Commission to the Five Civilized Tribes rejecting the applications in accordance with the act of May 31, 1900 (31 Stat. 221.)

Nothing is found in the petition warranting the rescinding of the decision of February 28, 1902, and the petition, which was filed by Mr. Albert J. Lee, of Ardmore, Ind. T., is accordingly denied.

A copy of the Indian Office letter is inclosed.

Respectfully,

Thos. Ryan,

First Assistant Secretary

1 inclosure.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington. March 30, 1906.

Land.

21086-1902.
22640-1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to forward the enclosed letter of the 10th instant from William O. Beall, Acting Commissioner to the Five Civilized Tribes, with which he transmits for Departmental consideration a petition submitted by Albert J. Lee, an attorney at law, of Ardmore, praying for a reconsideration of the decision of the Commission to the Five Civilized Tribes, refusing the application made by Katie Miller for the enrollment of herself and her children as citizens of the Chickasaw Nation.

Mr. Beall reports concerning this petition that on January 24, 1902, the Commission to the Five Civilized Tribes rendered a decision refusing the application made by Katie Miller for the enrollment of herself and her two minor children, George and Pollina Miller, and her grandchild, Rena Miller, and her sister's children, Delmo, Crowwell, Cleveland, Thurmond and Melinda Griffeiths, as citizens of the Chickasaw Nation, which decision was affirmed by the Department February 28, 1902 (I T D 1123 and 1101-1902). The original record on which the action of the Department in 1902 was based, is al-

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so enclosed.

2

Very respectfully,

C. F. Larrabee

Acting Commissioner.

EBH-Y.

9-R-6

Muskogee, Indian Territory, April 19, 1906.

Katie Miller,

Borwyn, Indian Territory.

Dear Madam:

You are hereby advised that on April 6, 1906, the Secretary of the Interior denied the petition for the reconsideration of the Chickasaw enrollment case of Katie Miller et al., in which the Department on February 28, 1902, affirmed the decision of the Commission to the Five Civilized Tribes of January 24, 1902, rejecting said application.

Respectfully,

Acting Commissioner.

9-R-6

Muskogee, Indian Territory, April 19, 1906.

Albert J. Lee,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

You are hereby advised that on April 6, 1906, the Secretary of the Interior denied the petition for the reconsideration of the Chickasaw enrollment case of Katie Miller et al., in which Department on February 28, 1902, affirmed the decision of the Commission to the Five Civilized Tribes of January 24, 1902, rejecting said application.

For your information there is inclosed herewith copy of Departmental letter of April 6, 1906 above referred to.

Respectfully,

Acting Commissioner.

EB 3-19

9-R-6

Muskogee, Indian Territory, April 19, 1906.

Mansfield, McMurray & Cornish.

Attorneys for Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on April 6, 1906, the Secretary of the Interior denied the petition for the reconsideration of the Chickasaw enrollment case of Katie Miller et al., in which the Department on February 28, 1902, affirmed the decision of the Commission to the Five Civilized Tribes of January 24, 1902, rejecting said application.

For your information there is inclosed herewith copy of Departmental letter of April 6, 1906, above referred to.

Respectfully,

FB 4-19

Acting Commissioner.

9-R-60

Muskogee, Indian Territory, February 15, 1907.

Pauline Davidson,

Tulsa, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of February 8, 1907, asking relative to the enrollment of Cattie Miller and Paulina Miller.

In reply to your letter you are advised that on January 24, 1902, the Commission to the Five Civilized Tribes rendered a decision refusing the application of Katie Miller for the enrollment of herself and her children George and Paulina Miller and her granddaughter Rena Miller and her sister's children Delino, Cromwell, Cleveland, Thurmond and Malinda Griffeths, as citizens of the Chickasaw Nation and on February 28, 1902, this action was approved by the Department.

April 6, 1906, a motion for rehearing in this case was denied by the Department and the case is therefore considered closed.

Respectfully,

Commissioner.

Chic.R-61

Chic.R-61

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
COLBERT, I. T., JUNE 19th, 1900.

In the matter of the application of Nettie Cawdell et al for enrollment as citizens of the Chickasaw Nation., and she being sworn by Acting Chairman, Tams Bieby, testified as follows:

- Q What is your name? A Nettie Cawdell.
Q How old are you? A Twenty-four.
Q Where do you live? A Chickasha.
Q In the Chickasaw Nation? A Yes sir.
Q How long have you lived there? A Eleven years.
Q Where did you live before you came to Chickasha?
A On Red River, in the Chickasaw Nation.
Q Were you born here? A No sir; I came here from Texas when I was about two years old.
Q Were you born in Texas? A Yes sir.
Q You apply for citizenship in the Chickasaw Nation? by inter-marriage? A Yes sir.
Q Upon what do you base the claim of your children?
A Their father was admitted to these rolls.
Q Chickasaw rolls, do you mean? A Yes sir.
Q What is the name of your father? A A. H. Ice.
Q Is he living? A Yes sir.
Q Is he a white man? A Yes sir.
Q What is the name of your mother? A Laura Ice.
Q Is she living? A Yes sir.
Q Is she a white woman? A Yes sir.
Q You claim no Indian blood? A No sir.
Q What is the name of your husband? A Joe Cawdell.
Q Is he living? A No sir.
Q When did he die? A 14th of last January.
Q Did he have any Chickasaw Indian blood in his veins? A No sir.
Q Is he the father of your children for whom you make application?
A Yes sir.
Q Where were you married to Joe Cawdell? A Chickasha, Chickasaw Nation.
Q When? A In 1892.
Q You were married to him under the United States law? A Yes sir.
Q Do you desire to offer in evidence at this time your marriage license and certificate? A Yes sir.

Marriage license and Certificate of marriage of Joe Cawdell and Nettie Ice offered in evidence, marked Exhibit "A", filed and made a part of the record in this case.

Q Does your name or the names of any of your children appear on any of the Chickasaw tribal rolls? A I think they did until my husband died; we had a lawyer attend to this, but he seemed to neglect it.

Q I mean on the Chickasaw tribal rolls? A No sir.

Q Did you ever make application for yourself or children to the proper Chickasaw tribal authorities for citizenship in the Chickasaw Nation? A No sir.

Q Did you make application to the Dawes Commission in 1896 for citizenship in the Chickasaw Nation? A No sir; I thought this lawyer, Davidson did, but he did not.

Q You intended to apply in 1896, but through some mistake by your lawyer, application was not made? A Yes sir.

Q You have never been recognized by the tribal authorities of the Chickasaw Nation? A No sir.

Q Your children live with you? A Yes sir.

Q What are their names and ages? A Veneta, age 6; Lee, age 5; and Marie, age 3.

Birth certificates covering the births of Veneta, Lee & Marie Cawdell, offered in evidence, identified as Exhibits "B", "C" & "D", filed and made a part of the record in this case.

Q Was your husband, during his life time, recognized by the Chickasaw tribal authorities as an intermarried citizen of the Chickasaw Nation? A He had all the rights and privileges of an Indian.

Q Do you know whether he ever applied to the tribal authorities and was recognized as an inter-married citizen? A No sir, I do not.

Q Do you know whether your husband in the year 1896 made application to the Dawes Commission for citizenship as an inter-married citizen of the Chickasaw Nation? A Yes sir; he did.

Q Was he admitted or denied? A He was admitted.

Docket C., record of applications of citizenship in the Chickasaw Nation, made to the Dawes Commission in the year 1896 examined, and on Page 3 appears the case of Joe Cawdell versus the Chickasaw Nation, being No. 9, filed September 8, 1896; answer filed: Joe Cawdell admitted as an inter-married citizen., J Cawdell, his son, admitted as a citizen by blood November 10th, 1896. No record of any appeal in this case to the United States Court.

Q Your husband was married to a Chickasaw woman before he married you? A Yes sir, Hattie Colbert, a Chickasaw Indian.

Q J. Cawdell was his son by Hattie Colbert? A Yes sir.

Q Is there any attitional statement in regard to your case you desire to make at this time? A No sir., I presume not.

Q Have you any papers that you desire to file with the Commission at this time? A No sir, I suppose not.

A copy of the decision of the Commission, with reference to your case will be furnished you at a later date; in writing, mailed to you at your present Post-office address.

R. R. Cravens, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the above and foregoing case, and that the above and foregoing is a true, full and correct transcript of his stenographic notes in said case.

R R Cravens

Sworn to and subscribed before me this 30th day of June, 1900.



ACTING CHAIRMAN.

Department of the Interior.
Commission to the Five Civilized Tribes.
South McAlester, Indian Territory, December 23, 1902.

Chickasaw B-61.

In the matter of the application of Nettie Cawdell for the enrollment of herself as an intermarried citizen of the Choctaw Nation, and for the enrollment of her three minor children, Vinita, Lee and Mary Cawdell, as citizens ~~by blood~~ of the Choctaw Nation.

Nettie Cawdell, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Nettie Cawdell.
Q How old are you? A Twenty eight.
Q What is your post office address? A Geary, Oklahoma.
Q How long have you lived in Oklahoma? A Since last March--no, since April.
Q You are a white woman? A Yes sir.
Q You claim to be an intermarried citizen of the Chickasaw Nation? A Yes sir.
Q Were you ever married to a citizen by blood of the Chickasaw Nation? A No sir.
Q Through whom do you claim your rights as an intermarried Chickasaw? A Joe Cawdell.
Q Is he living? A No sir.
Q Was he a white man? A Yes sir.
Q Prior to his marriage to you he had been married to a Chickasaw woman? A Yes sir.
Q When were you married to Joe Cawdell? A In 1892.
Q Were you married under a Chickasaw tribal license? A I don't know.
Q Where were you married? A At Chickasha.
Q Did your husband get a Chickasaw tribal license to marry you? A I don't know.
Q Have you any children by Joe Cawdell? A Three.
Q What are their names? A Vinita, Lee and Mary.
Q Were they born in the Chickasaw Nation? A Yes sir.
Q You were married in the Chickasaw Nation? A Yes sir.
Q You were living in the Chickasaw Nation when you married Joe Cawdell? A Yes sir.
Q You are making application for these children? A Yes sir.
Q Have these children any Chickasaw blood? A No sir.
Q They are the children of two white persons? A Yes sir.
Q Joe Cawdell is dead at the present time? A Yes sir.
Q Have you since his death remarried? A No sir.

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 23rd day of December, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 19 day of January 1903.

Charles H. Sawyer

Notary Public.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Hattie Cawdell as a citizen by intermarriage and for the enrollment of her minor children, Vinita, Lee and Marie Cawdell, as citizens of the Chickasaw Nation, Chickasaw Field No. H-61.

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Jeanna Mickle, et al., vs. Choctaw and Chickasaw Nations, No. 57 on the South McAlester Docket, in which the said court will decide the question of whether white persons, the widows or widowers of deceased Choctaw or Chickasaw spouses, can confer rights of citizenship upon white husbands or wives whom they may remarry and upon their white children by them, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Mansfield, McDurray & Cornish
Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

Endorsed:

Chickasaw H-61

In the matter of the enrollment of Hattie Cawdell, et al., as citizens of the Chickasaw Nation.

PROTEST of
Choctaw and Chickasaw Attorneys.

Department of the Interior,
Commission to the Five Civil-
ized Tribes.
Filed Feb. 6, 1904.
Tame Dixie, Chairman.

9-R-61.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Nettie Cawdell as a citizen by intermarriage of the Chickasaw Nation.

D E C I S I O N.

It appears from the record herein that on June 19, 1900, Nettie Cawdell appeared before the Commission to the Five Civilized Tribes at Colbert, Indian Territory, and made application for enrollment as a citizen by intermarriage of the Chickasaw Nation, and also, for the enrollment of her three minor children, Veneta, Leo, and Marie Cawdell, as citizens of the Chickasaw Nation. The application made for the enrollment of the minor children, being differently classified, is not included in this decision.

It appears from the record herein that the applicant, Nettie Cawdell, claims her right to enrollment as a citizen by intermarriage of the Chickasaw Nation by virtue of her marriage on August 17, 1892, to Joe Cawdell (now deceased), an alleged citizen by intermarriage of the Chickasaw Nation.

It does not appear from the record herein or from the records in the possession of this office that said applicant has ever been enrolled by the Chickasaw tribal authorities as a member of the Chickasaw tribe, or admitted to Chickasaw citizenship by a duly constituted court or committee of the Chickasaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321).

I am, therefore, of the opinion that following the ruling of the Department in the case of Emma McMenamin (I.T.D. 11582-1904), the application made for the enrollment of Nettie Cawdell as a citizen by intermarriage of the Chickasaw Nation should be denied under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

APR 21 1906

9-R-61.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Veneta Cawdell, et al., as citizens of the Chickasaw Nation.

DECISION.

It appears from the record herein that on June 19, 1900, application was made to the Commission to the Five Civilized Tribes for the enrollment of Veneta, Leo and Marie Cawdell as citizens of the Chickasaw Nation.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes of January 2, 1906, there was filed on February 9, 1906, by J. B. Campbell, of Muskogee, Indian Territory, a petition praying for the enrollment of Mary, Vinita and Leo Cawdell as citizens of the Chickasaw Nation.

The record in this case shows that the applicants herein claim their right to enrollment as citizens of the Chickasaw Nation by reason of being the children of Joe Cawdell (now deceased), an alleged citizen by intermarriage of the Chickasaw Nation, and Nettie Cawdell, a white woman, whose application for enrollment as a citizen by intermarriage of the Chickasaw Nation was denied by the Commissioner to the Five Civilized Tribes on April 21, 1906, and approved by the Secretary of the Interior May 24, 1906.

I am, therefore, of the opinion that following the ruling of the Department of April 24, 1906 (I.T.D. 4048-1906), in the case of Mary Elizabeth Martin, the application and petition for the enrollment of Veneta (or Vinita) Cawdell, Leo Cawdell and Marie (or Mary) Cawdell as citizens of the Chickasaw Nation should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 496), and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

AUG 2 1906

COPY

EX "A"

CERTIFICATE OF RECORD OF MARRIAGE

UNITED STATES
OF AMERICA

INDIAN TERRITORY

THIRD JUDICIAL DIVISION.

I Marshall L. Bragdon Clerk of the United States Court in the said
territory and Judicial Division DO HEREBY CERTIFY that
Mr Joe Cawdell and Miss Nettie Ice were solemnly joined in

HOLY MATRIMONY

by F Isidore Picklin a Catholic Priest on the seventeenth

day of August A. D. 1892 at Chickasha in said
Territory and Judicial Division as appears from
the Official Records in my Office in Marriage
Record 4 Page 92.

IN WITNESS WHEREOF I have hereunto subscribed my
name and affixed the Seal of said
Court at Ardmore this Eighth day of September
A. D. 1892.

Marshall L. Bragdon
Clerk of the United States Court in the Indian Territory

(SEAL)

By Laura P. Matthews Deputy.

Entered on Back:

Filed
Jun 19 1900
Commission to Five Tribes

COPY

COPY

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EX B

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Chickasaw Nation, of Vinita Cawdell, born on the 7 day of October 1893.

Name of Father: Joseph Cawdell, a citizen of the Chickasaw Nation.

Name of Mother: Nettie Cawdell, a citizen of the Chickasaw Nation.

Postoffice Chickasha, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
SOUTHERN DISTRICT.

I, Nettie Cawdell, on oath state that I am 24 years of age and a citizen, by Intermarriage of the Chickasaw Nation; that I am the lawful wife of Joseph Cawdell, who is a citizen, by Intermarriage of the Chickasaw Nation; that a ~~female~~ child was born to me on the 7th day of October 1893; that said child has been named Vinita Cawdell, and is now living.

(SEAL)

Nettie Cawdell

Witnesses to mark:

Must be two witnesses.

Subscribed and sworn to before me this 11 day of June 1900
Chas. M. Feshmeier.
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA
INDIAN TERRITORY
SOUTHERN DISTRICT.

I, D. M. Johnston, a Physician, on oath state that I attended on Mrs. Nettie Cawdell, wife of Joseph Cawdell on the 7th day of

October 1893; that there was born to her on said date a Female child; that said child is now living and is said to have been named Vinita Cawdell.

D. M. Johnston.

(SPAL) Witnesses to mark:

(Must be Two _____
Witnesses.) _____

Subscribed and sworn to before me this 11 day of June 1900.

Chas. K. Feshheimer.
Notary Public.

Endorsed on back as follows:

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IN RE

Application for Enrollment of

INFANT CHILD

Vinita Cawdell

as a citizen of the

Chickasaw Nation

Approved _____ 190__

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Commissioner.

FILED

JUN 19 1900

COMMISSION TO FIVE TRIBES

COPY

Ex "C"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Chickasaw Nation, of Leo Cawdell, born on the 30 day of March, 1895
Name of Father: Joseph Cawdell, a citizen of the Chickasaw Nation
Name of Mother: Nettie Cawdell, a citizen of the Chickasaw Nation
Postoffice Chickasha, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA
INDIAN TERRITORY

SOUTHERN DISTRICT.

I, Nettie Cawdell, on oath state that I am 24 years of age and a citizen, by Intermarriage of the Chickasaw Nation; that I am the lawful wife of Joseph Cawdell, who is a citizen, by Intermarriage of the Chickasaw Nation; that a Female child was born to me on the 30 day of March 1895; that said child has been named Leo Cawdell and is now living.

(SEAL)

Nettie Cawdell.

Witnesses to mark.

Must be Two _____

witnesses _____

Subscribed and sworn to before me this 11 day of June 1900

Chas M. Fehheimer
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
SOUTHERN DISTRICT

I, D. M. Johnston, a Physician, on oath state that I attended on Mrs Nettie Cawdell wife of Joseph Cawdell on the 30 day of March 1895; that there was born to her on said date a male child; that

said child is now living and is said to have been named Lee Caw-
dell.

Witnesses to mark

D. M. Johnston

Must be Two
Witnesses

(SEAL)

Subscribed and sworn to before me this 11 day of June 1900

Chas M. Feshheimer.
Notary Public.

Endorsed on back as follows:

20

IN RE

Application for Enrollment of

INFANT CHILD

Leo Cawdell

as a citizen of the

Chickasaw Nation.

Approved _____ 190

Commissioner.

FILED

JUN 19 1900

COMMISSION TO FIVE TRIBES

COPY

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Ex D

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment as a citizen of the Chickasaw Nation, of Marie Cawdell, born on the 12 day of Sept 1897.
name of Father Joseph Cawdell a citizen of the Chickasaw Nation.
name of Mother Nettie Cawdell a citizen of the Chickasaw Nation.
Postoffice Chickasha I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY
SOUTHERN DISTRICT.

I, Nettie Cawdell on oath state that I am 24 1/2 years of age and a citizen by Intermarriage of the Chickasaw Nation; that I am the lawful wife of Joseph Cawdell, who is a citizen, by Intermarriage of the Chickasaw Nation; that a female child was born to me on the 12 day of Sept 1897 and said child has been named Marie Cawdell and is now living.

Nettie Cawdell

Witnesses to Mark.

Must be Two _____

Witnesses.

(SEAL)

Subscribed and sworn to before me this 11 day of June 1900

Chas. M. Feckheimer

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MIDWIFE.

UNITED STATES OF AMERICA
INDIAN TERRITORY
SOUTHERN DISTRICT.

I, D. M. Johnston, a Physician, on oath state that I attended on Mrs. Nettie Cawdell wife of Joseph Cawdell on the 12 day of Sept 1897 that there was born to her on said date a female child; that said child is now living and is said to have been named Marie Cawdell.

D. M. Johnston.

(SEAL)

Witnesses to Mark.

Must be Two witnesses.

Subscribed and sworn to before me this 11 day of June 1900

Chas. M. Feckheimer

Notary Public.

Endorsed on back as follows:

IN RE

Application for Enrollment of

INFANT CHILD

Marie Cawdell

as a citizen of the
Chickasaw Nation.

Approved _____ 190 _____

~~CONFIDENTIAL.~~

FILED

JUN 19 1966

CONCERNING TO FIVE TRIPS.

COPY

Ex "F"

Indian Territory }
Southern District. } SS.

Isidore Ricklin of lawful age being duly sworn according to law says:

That he is a Roman Catholic priest with authority to solemnize marriage in the Indian territory, that his credentials are registered as by law required by the Clerk of the United States Court for the Southern district of the Indian Territory, that on the 17th day of August 1892 he according to law solemnized marriage between Joe Cawdell, a Chickasaw citizen and Miss Nettie Ice, at Chickasha in said Chickasaw Nation and Indian Territory .

Isidore Ricklin.

Subscribed and sworn to before me this 31 day of May 1900.

F. Hamilton

(SEAL)

Notary Public.

Endorsed on back as follows:

FILED

JUN 19 1900

COMMISSION TO FIVE TRIBES

Indian Territory

ss

Western District

J. B. Campbell being first duly sworn by and before me, a Notary Public in and for the District and Territory, afore-said, on oath deposes and says that he served a copy of the Petition hereto attached on Mansfield, McMurray and Cornish, Attorneys for the Choctaw and Chickasaw Nations on the 9th day of February, 1906; that this service was made by registered mail/ that the post-office receipt hereto attached is the receipt received by affiant for the registering of the envelope which contained a copy of the petition hereto attached; that said envelope was duly sealed and legibly addressed to Mansfield, McMurray and Cornish, South McAlester, Indian Territory; that said envelope was deposited in the post-office at Muskogee, Indian Territory, duly stamped and registered on the 9th day of February, 1906.

J. B. Campbell

Subscribed and sworn to before me this the 9th day February, 1906.

G. H. Alexander
Notary Public.

My Commission expires July 2, 1906.

(SEAL).

(Registry Receipt Attached).

Indorsed on back as follows:

Dept. of the Interior

Commissioner to the Five Civilized Tribes

In re application of Nettie Caldwell to have enrolled her three minor children.

PETITION

ORIGINAL.

F. I. B. B.

Feb 9 1906.

(STAMPED) Tams Bixby,
Commissioner.

J. B. Campbell, her attorney.

(COPY)

UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application)
of Nettie Cawdell (now Smith) to)
have enrolled as members of the)
Chickasaw Nation her three minor) PETITION.
children, to wit: Mary Cawdell, Vinita)
Cawdell and Leo Cawdell)

To the Commissioner to the Five Civilized Tribes:-

Your petitioner, Nettie Smith, formerly Nettie Cawdell, represents that she was lawfully married in the year 1892 to Joe Cawdell, a duly recognized and enrolled citizen by intermarriage of the Chickasaw Nation; that there was born in lawful wedlock of said marriage, three children, to wit:- Mary Cawdell, Vinita Cawdell and Leo Cawdell; that Joe Cawdell, the former husband of your petitioner and the father of the children hereinbefore mentioned and named, is now deceased; that Mary Cawdell, Vinita Cawdell and Leo Cawdell, the children of your petitioner and Joe Cawdell deceased, were residents in good faith in the Chickasaw Nation, Indian Territory on June 28th, 1898 and resided therein continuously up to and including September 26th, 1902; that your petitioner made application to have the aforesaid Mary Cawdell, Vinita Cawdell and Leo Cawdell enrolled as members of the Chickasaw Nation on or about June 19th, 1900; that this application was made to the Commission to the Five Civilized Tribes; that said application has been passed on neither favorably nor adversely to the applicants to this date.

WHEREFORE your petitioner prays the Honorable Commissioner to the Five Civilized Tribes to adjudicate the rights of her minor children, aforesaid, and that they be duly enrolled as members of the Chickasaw Nation and entitled to all the rights and benefits accruing therefrom, and in this prayer for relief your petitioner calls attention to the approved opinion of the Assistant Attorney General for the Department of date December 8th, 1905, relative to the rights of Mary Elizabeth Martin for enrollment as a member of the Chickasaw Nation.

J. B. Campbell
Attorney for Petitioner

Indian Territory)
Western District) SS

Nettie Smith, formerly Cawdell, being first duly sworn on oath deposes and says that she has read the above and foregoing petition; that the same is true of her own knowledge except as to matters therein stated on information and belief and as to these, she believes it to be true.

Nettie Cawdell Smith

Subscribed and sworn to before me this 8 day of Feby A.D. 1906.

(SEAL)

My Commission expires July 2, 1906.

G. H. Alexander

Notary Public.

CERTIFICATE OF RECORD OF MARRIAGE.

UNITED STATES
OF AMERICA.

INDIAN
TERRITORY.

Third JUDICIAL DIVISION.

I Marshall L. Bragdon Clerk of the United States Court
in the said Territory and Judicial Division DO HEREBY CERTIFY that
Mr. Joe Cawdell and Miss Nettie Ice were solemn-
ly joined in

H O L Y M A T R I M O N Y

by F. Isidore Ricklin a Catholic Priest on the
seventeenth day of August A.D. 1892 at Chick-
asha in said Territory and Judicial Division, as appears from
the Official Records in my Office in Marriage Record 4, Page 92.

IN WITNESS WHEREOF, I have hereunto subscribed my name and af-
fixed the Seal of said Court, at Ardmore this Eighth
day of September, A.D. 1892.

Marshall L. Bragdon.
Clerk of the United States Court
in the Indian Territory.

By Laura P. Matthews,
Deputy.

(SEAL).

Endorsed:

Filed Jun. 19, 1900.
Commission to Five Tribes.

COPY

Ex 75

Indian Territory }
Southern District. } SS.

Isidore Ricklin of lawful age being duly sworn according to law says:

That he is a Roman Catholic priest with authority to solemnize marriage in the Indian territory, that his credentials are registered as by law required by the Clerk of the United States Court for the Southern district of the Indian Territory, that on the 17th day of August 1898 he according to law solemnized marriage between Joe Gaddell, a Chickasaw citizen and Miss Nettie Tee, at Chickasaw in said Chickasaw Nation and Indian Territory.

Isidore Ricklin,

Subscribed and sworn to before me this 21 day of May 1900.

F. Hamilton

(SEAL)

Notary Public.

Endorsed on back as follows:

FILED

JUN 19 1900

COMMISSION TO FIVE TRIBES

MEMORANDA.

(Date)

1899.

Name Mattie Caldwell (24) Chickasaw

Choctaw? no County Year No.

Chickasaw? yes County Year Page

Citizen by blood? no Mother's citizenship U.S.

Intermarried citizen? yes

Married under what law? United States Law

License filed this day,

Wife's name, Joe Caldwell **DEAD**

Choctaw? no County Year No.

Chickasaw? yes County Year Page

Citizen by blood? no Mother's citizenship

Intermarried citizen? yes

Married under what law? United States Law

License filed this day

Names of children:

(16) Verita Chickasaw County Year Page No.

(5) Leo Chickasaw County Year Page No.

(3) Mary Chickasaw County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

father - A. M. Lee (U.S.)

mother - Laura Lee (U.S.)

Muskogee, Indian Territory, May 26, 1900.

Mr. J. Hamilton,

Attorney at Law,

Chickasaw, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of May 22nd, in which you state that Mrs. Gaudell, a Chickasaw citizen, is desirous of making application to have her three minor children enrolled on the Chickasaw roll. In accordance with your request, there is inclosed you herewith three blank applications for the enrollment of infant children, which when filled out in proper form and returned to this Commission will receive proper attention. In having the same filled out, please see that all blanks are filled out, and must be filled in full, the affidavit of the mother as well as that of the attending physician or nurse, executed before a Notary Public and his name and seal attached to each affidavit. Signatures by mark, if any, must be attested by two witnesses.

The records of this Commission do not show that any party by the name of Gaudell appears as listed for enrollment in Chickasaw and it will be necessary to identify the mother or father as being listed for enrollment before the applications for the enrollment of the children can receive proper consideration.

Yours truly,

Arthur Gaudell.

Muskogee, Indian Territory, July 6th, 1900

Mr. Chas. H. Fehhelfer,

Attorney at Law,

Chickasha, Indian Territory.

Dear Sir:-

The Commission is in receipt of your letter of the 3rd inst in which you desire to be advised Mrs. Nettie A. Cawdell, Vinita Cawdell, Leo Cawdell and Marie Cawdell are on the Chickasaw rolls.

The records of this Commission show that Mrs. Nettie Cawdell appeared before this Commission as an applicant for enrollment as a citizen by blood of the Chickasaw Nation at Colbert, Indian Territory, June 12th, 1900 on behalf of herself and of her three children, Leo, Vinita and Marie Cawdell, claiming her rights to enrollment by reason of the fact that her husband Joe Cawdell, deceased, was previously married to a Chickasaw Indian. The Commission has not at this time rendered a judgment in this case but contemplates doing so in the near future and if you will again call the attention of the Commission to Mrs. Cawdell's case in the course of the next few weeks a copy of that judgment will be forwarded to you.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, August 1, 1900.

Mr. Charles M. Fockheimer,

Chickasha, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of July 30th, in which you ask to be informed if Mrs. Nettie Cawdell, Vinita Cawdell, Leo Cawdell and Marie Cawdell are on the Chickasaw rolls, and in reply to your letter you are advised that judgment has not yet been rendered in this case, but as soon as this is done, copy of the same will be furnished you.

Yours truly,

9-R 61

M.C.

Acting Chairman.

Muskogee, Indian Territory, October 12, 1900.

Holding & Bond,

Chickasha, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 11th instant in which you request to be informed as to the status of Mrs Nettie Cawdell and her children, Veneta, Leo and Marie Cawdell. Also as to the status of C. C. Quillen and his children.

You are informed that the records of the Commission show that Mrs. Nettie Cawdell appeared before this Commission as an applicant for enrollment of herself and her three children, Vinita, Leo and Marie, as citizens by blood of the Chickasaw Nation, such appearance being made at Colbert, Indian Territory, on June 19th, 1900. The Commission has not up to this time rendered a decision in this case but contemplates doing so in the near future, when a copy of such decision, stating fully therein the reason for any action that may be taken by the Commission, will be mailed to Mrs. Cawdell.

You are also informed that the records of this Commission show, that Charles C. Quillen, of Chickasha, Indian Territory, appeared before the Commission at Colbert, Indian Territory, June 21st, 1900, and made application for the identification of himself and family as Mississippi Choctaws. The Commission has not as yet rendered a decision in his case but will do so in the near future, and a copy of such decision will be mailed Mr. Quillen.

Yours truly,

7-B-61 M.C.R-469
M

Acting Chairman.

Muskogee, Indian Territory, October 20, 1900.

Melbourne & Sheppard,

Attorneys at Law,

Chickasha, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 18th instant in which you desire to be informed as to the status of the claim or application for enrollment of Mrs. Nettie Cawdell of Chickasha, Indian Territory.

You are informed that the records of this Commission show that Nettie Cawdell, 24 years of age, of Chickasha, Indian Territory, appeared before this Commission at Colbert, Indian Territory on June 19th, 1900 and there made application for the enrollment of herself and her three minor children, Vinita, Lee and Mary as citizens by blood of the Chickasaw Nation, claiming such right to citizenship by reason of the fact that Joe Cawdell prior to his marriage to her was married to Hattie Colbert, a citizen by blood of the Chickasaw Nation.

It appears further in her evidence, however, that her husband Joe Cawdell in 1896 under the act of Congress of June 10th, 1896, made application to this Commission for citizenship in the Chickasaw Nation and that this Commission on November 10th, 1896, admitted him as an intermarried citizen of the Chickasaw Nation.

You are informed that the Commission has not up to this time rendered a decision in the matter of her application but now contemplates doing so in the near future and when such is rendered a

M. & E. 2

copy of the same will be mailed to her at her present post-office address, stating fully the reason for any action the Commission may take as to her application and the application on behalf of her children.

You also desire to be informed as to the status of Charles C. Quillin of Chickasha, Indian Territory, who made application for identification as a Mississippi Choctaw.

You are informed that the records of this Commission as to Charles C. Quillin show that he appeared before the Commission at Durant, Indian Territory, in August, 1899 and there made application for enrollment as a citizen by blood of the Choctaw Nation and the Commission after hearing his testimony at that time, refused his enrollment but that on June, 21st, 1900, at Colbert, Indian Territory he again appeared before the Commission and made application for the identification of himself, his wife and his four minor children as Mississippi Choctaws. The Commission has not in this case rendered any decision, but will do so in the near future, a copy of which will be mailed to Mr. Quillin at his present post-office address, stating fully the reason for any action that the Commission may take in the matter of his application and the application made on behalf of his wife and minor children.

As to whether Oscar Brooks, of Chickasha, Indian Territory has appeared before this Commission for enrollment, you are informed that in his case the records show that he appeared before the Commission at Colbert, Indian Territory on June 21st, 1900 and there made application for the enrollment of himself, his wife and his three minor children, Oliver, Della and Bell for enrollment as citizens of the Choctaw Nation by adoption. The Commission

M. & S. 3

after considering the oral testimony of the applicant at that time of his personal appearance and the written evidence submitted by him in support of the same, on October 1st, 1900, rendered a judgment refusing the enrollment of himself, his wife and children as citizens of the Choctaw Nation, a copy of ~~which~~ decision being mailed to the applicant at Chickasha, Indian Territory, on October 12th, 1900.

Yours truly,

Acting Chairman.

9-R-61
M. C. R-469
7-R-696

Muskogee, Indian Territory, March 5, 1901.

Holding & Bond,

Attorneys at Law,

Chickasha, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 7th of February in which you desire to be informed the status of Nettie Cawdell and her children, Veneta and Marie Cawdell, who have applied for citizenship in the Chickasaw Nation.

Also the status of Charles C. Quillen, his wife and child, who appeared at Colbert, Indian Territory on June 21st, 1900 as applicants for identification as Mississippi Choctaws.

Also as to the status of Egenio Munyos "Kene" and that of his wife Emily, and his minor children, and that a certificate be issued from the Commission showing the present status of these three cases.

Replying to your letter the Commission has to inform you that it appears from our records that at Colbert, Indian Territory, on June 19th, 1900, Nettie Cawdell, 24 years of age, appeared before the Commission and made application for the enrollment of herself and her children, Vinita, Leo and Mary Cawdell as citizens of the Chickasaw Nation. It seems that Mrs. Cawdell applied for the enrollment of herself and children as citizens of the Chickasaw Nation by reason of the fact that her deceased husband, Joe Cawdell, was at one time married to a Chickasaw Indian and was admitted by the

H A R 2

Commission under the act of Congress of June 10th, 1896 as a citizen by intermarriage of the Chickasaw Nation. The parties for whom this application was made had no Chickasaw blood and Mrs. Cawdell claimed her rights as an intermarried citizen by reason of her marriage to a white man who had been married to a Chickasaw Indian and the rights to enrollment of her children as being the children of such intermarried Chickasaw and herself. The children are therefore the offspring of two white persons having no right to Indian citizenship by blood.

The Commission is of the opinion that these people would in no manner be entitled to recognition as citizens of the Chickasaw Nation but up to this time no decision has been prepared refusing their application. Such a decision will be prepared within the near future and a copy of the same stating fully therein the reason for any action that may be taken by the Commission, will be forwarded to the applicants.

As to Charles C. Quillen of whom you inquire, you are informed that the records of the Commission show that at Colbert, Indian Territory on June 21st, 1900, Charles C. Quillen, 40 years of age of Chickasha, Indian Territory, appeared before the Commission and made application for the identification of himself and four minor children, Mary L., Virginia P., Carrie and Daisy as Mississippi Choctaws. The Commission has not up to this time taken up for consideration this case but anticipates doing so as early as practicable in the near future when a decision will be rendered upon the testimony of Charles C. Quillen taken at the time of his personal appearance and such documentary evidence as he has submitted in support of his claim. When such decision is rendered, a copy of

H & B 3

the same will be mailed to Mr. Guillen at his present post-office address.

As to the Egenio Manyos "Keno" of whom you inquire, the records of the Commission show that on November 24th, 1898, Emily Keno and her six minor children, Houston, Martha, Mattie, Lizzie, Fannie and Frank Keno were listed for enrollment as citizens of the Chickasaw Nation. The husband of Emily Keno and the father of these children appears upon our records as Keno Manyose, a Mexican.

On May 24th, 1900, the Commission also listed for enrollment, Carrie Keno, born December 23rd, 1899, the infant child of Emily Keno. The father of this child appears in the application as Ehenio Manyose "Keno."

We cannot comply with your request that you be furnished with a certificate as to the enrollment or present status of the applications of these parties.

The Commission is now only empowered to prepare a roll of the citizens of the Choctaw and Chickasaw Nations for submission to the Secretary of the Interior for his approval and until such final approval no person can be stated as being enrolled as a citizen of the Choctaw or Chickasaw Nations and no certificate of such enrollment until after such approval, can be issued.

Yours truly,

Acting Chairman.

2-R-61

M. C. R-462

9-1546

Chickasaw 2 62

Muskogee, Indian Territory, January 21, 1903.

Holding & Bailey,

Attorneys at Law,

Chickasha, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of January 2, asking information as to the status of the citizenship claim of Nettie Cawdell, widow of Joseph Cawdell, deceased, and her children, Veneta, Lee and Marie Cawdell.

In reply to your letter you are advised that it appears from our records that Nettie Cawdell is an applicant for the enrollment of herself and her three children, Vinita, Lee and Marie Cawdell as citizens of the Chickasaw Nation. No decision nor opinion has yet been rendered relative to their right to such enrollment. As soon as a decision is reached in this case the applicants will be duly notified of the action of the Commission.

Respectfully,

RECEIVED
TAMM BERRY,
THOMAS B. HENRIKSEN,
C. R. BRACKETT,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REPLY IN REPLY TO THE FOLLOWING

Chickasaw R 61

ALLISON L. AYLMER,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 9, 1904.

Nettie Cawdell,

Chickasha, Indian Territory.

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as a citizen by intermarriage of the Chickasaw Nation, and of the enrollment of your three minor children, Vinita, Leo and Marie Cawdell, as citizens of the Chickasaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,



Commissioner in Charge.

REFER IN REPLY TO THE FOLLOWING

9-R-61

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 21, 1906.

Nettie Cawdell,

Greer, Oklahoma Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered April 21, 1906, denying the application for your enrollment as a citizen by intermarriage of the Chickasaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

W. O. Beall

Acting Commissioner.

Registered.

Incl. 9-R-61.

9-R-61

Muskogee, Indian Territory, April 21, 1906.

COPY

E. Hamilton,

Attorney at Law,

Chickasha, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered April 21, 1906, denying the application for the enrollment of Nettie Cawdell as a citizen by intermarriage of the Chickasaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Wm. S. Hall

Acting Commissioner.

Registered.

Incl. 9-R-61.

9-R-61

Muskogee, Indian Territory, April 21, 1906.

COPY

Melbourne & Sheppard,
Attorneys at Law,

Chickasha, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered April 21, 1906, denying the application for the enrollment of Nettie Caldwell as a citizen by intermarriage of the Chickasaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Wm. O. Beall

Acting Commissioner.

Registered.

Incl. 9-R-61.

9-R-61

Muskogee, Indian Territory, April 21, 1906.

Chas. A. Techhelmer,
Attorney at Law,
Chickasha, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered April 21, 1906, denying the application for the enrollment of Nettie Cawdell as a citizen by intermarriage of the Chickasaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Wm. O. Beall
Acting Commissioner.

Registered.

Incl. 9-R-61.

9-R-61

Muskogee, Indian Territory, April 21, 1906.

Holding & Bailey,

Attorneys at Law,

Chickasha, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered April 21, 1906, denying the application for the enrollment of Nettie Cawdell as a citizen by intermarriage of the Chickasaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Wm. O. Beall

Registered.

Acting Commissioner.

Incl. 9-R-61.

9-R-61

Muskogee, Indian Territory, April 21, 1906.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,
Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes rendered April 21, 1906, denying the application for the enrollment of Nettie Cawdell as a citizen by intermarriage of the Chickasaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

RECEIVED

Wm. O. Beall

Acting Commissioner.

Incl. 9-R-61.

Muskogee, Indian Territory, April 21, 1906.

COPY.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings in the matter of the application for the enrollment of Nettie Cawdell as a citizen by intermarriage of the Chickasaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated April 21, 1906, denying said application.

Respectfully,

SIGNED *Wm. O. Beall*

2 Incl. 9-R-61

Acting Commissioner.

Through the
Commissioner of Indian Affairs.

9-R-61

Muskogee, Indian Territory, May 1, 1906.

Charles M. Fehheimer,
Attorney at Law,
Chickasha, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 27, 1906, stating that you do not represent Nettie Cawdell, but her last known post office address was Weatherford, Oklahoma and you have forwarded a copy of the decision in her case to her.

Respectfully,

Commissioner.

G.R. ✓

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

D.C.20719
I.T.B.9154-1906.

May 24, 1906.

LRS.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In accordance with the recommendation of the Indian Office of May 19, 1906, and in conformity with the approved opinion of the Assistant Attorney-General for this Department of January 28, 1905 (I.T.D.1054), in the case of Anna McMenamin, an applicant for enrollment as an intermarried citizen of the Chickasaw Nation; your decision of April 21, 1906, denying the application of Nettie Caldwell as an intermarried citizen of the Chickasaw Nation is hereby affirmed.

A copy of the Indian Office letter is inclosed.

Respectfully,

Jeane K. Wilson,
Assistant Secretary.

1 inclosure.

COPY 4

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND:
30659-1906.

May 19, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated April 21, 1906, transmitting the record of the application for enrollment as a citizen by intermarriage of the Chickasaw Nation by Nellie Cawdell.

April 21, 1906 the Commissioner decided adversely to the applicant.

The record shows that the applicant claims her right to enrollment by virtue of her marriage on August 17, 1892 to Joe Cawdell a white man (now deceased), an alleged citizen by intermarriage of the Chickasaw Nation.

It does not appear that the applicant has ever been enrolled or admitted to citizenship by any tribal authority of the Chickasaw Nation or by any United States tribunal.

In view of the record and of the decision in the case of Emma McMenamin (ITD 11582-04) the approval of the Commissioner's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

MM

U
9-R-61

COPY.

Muskogee, Indian Territory, July 2, 1906.

Nettie Cawdell,

Greer, Oklahoma Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior under date of May 24, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated April 21, 1906, denying the application for your enrollment as a citizen by intermarriage of the Chickasaw Nation.

Respectfully,

SIGNED

James Bixby

Commissioner.

9-R-61

Muskogee, Indian Territory, July 2, 1906.

Copy

E. Hamilton,

Attorney at Law,

Chickasha, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior under date of May 24, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated April 21, 1906, denying the application for the enrollment of Nettie Cawdell as a citizen by intermarriage of the Chickasaw Nation.

Respectfully,

James P. Kirby

Commissioner.

2-R-01

Mustang, Indian Territory, July 2, 1906..

Wellbourne & Sheppard,

Attorneys at Law,

Chickasha, Indian Territory.

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of May 24, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated April 21, 1906, denying the application for the enrollment of Nettie Caldwell as a citizen by intermarriage of the Chickasaw Nation.

Respectfully,

Commissioner.

9-R-61

Muskogee, Indian Territory, July 2, 1906.

Chas. L. Feckheimer,
Attorney at Law,
Chickasha, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior under date of May 24, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated April 21, 1906, denying the application for the enrollment of Nettie Cawdell as a citizen by intermarriage of the Chickasaw Nation.

Respectfully,

SIGNED

Nettie B. C.

Commissioner.

✓

0-R-61

7

Muskogee, Indian Territory, July 2, 1906.

Holding & Bailey,

Attorneys at Law,

Chickasha, Indian Territory.

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of May 24, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated April 21, 1906, denying the application for the enrollment of Nettie Cawdell as a citizen by intermarriage of the Chickasaw Nation.

Respectfully,

SIGNED

Commissioner.

9-R-61

Muskogee, Indian Territory, July 2, 1906.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of May 24, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated April 21, 1906, denying the application for the enrollment of Nettie Cawdell as a citizen by intermarriage of the Chickasaw Nation.

Respectfully,

Tamc Bixby

Commissioner.

9-R-61

Muskogee, Indian Territory, August 28, 1906.

COPY.

Nettie Cawdell,
Weatherford, Oklahoma.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered August 28, 1906, denying the application and petition for the enrollment of Veneta (or Vinita) Cawdell, Leo Cawdell and Marie (or Mary) Cawdell, as citizens of the Chickasaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Wm. O. Beall.

Acting Commissioner.

Registered. Incl. 9-R-61.

9-R-61

Muskogee, Indian Territory, August 28, 1906.

J. L. Campbell,

Muskogee, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered August 28, 1906, concerning the application and petition for the enrollment of Veneta (or Vinita) Caldwell, Leo Caldwell and Marie (or Mary) Caldwell, as citizens of the Chickasaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Acting Commissioner.

Registered.

Incl. 9-R-61.

9-R-61

Muskogee, Indian Territory, August 28, 1906.

Charles W. Fechheimer,
Chickasha, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered August 28, 1906, denying the application and petition for the enrollment of V-neta (or Vinita) Cawdell, Leo Cawdell and Marie (or Mary) Cawdell, as citizens of the Chickasaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Acting Commissioner.

Registered.

Incl. 9-R-61.

9-R-61

Muskogee, Indian Territory, August 28, 1906.

Helding

Attorneys at Law,

Chickasha, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered August 28, 1906, denying the application and petition for the enrollment of Veneta (or Vinita) Cawdell, Leo Cadwell and Marie (or Mary) Cawdell, as citizens of the Chickasaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

W. W. C. C.
Acting Commissioner.

Registered.

Incl. 9-R-61.

9- 1-61

Muskogee, Indian Territory, August 14, 1906.

Wm. Field, McAllister & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed I trust you will find a copy of the decision of the Commissioner to the Civil Service Tribunal, rendered August 28, 1906, denying the application for the enrollment of Veneta (or Virginia) Cawdell, Leo Cawdell, and Marie (or Mary) Cawdell, as citizens of the Chickasaw Nation.

The decision, with the record of the proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Wm. C. Seall,
Acting Commissioner.

R
Incl. 9-R-61.

COPY.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND.

January 15, 1907.

75636-1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of the Acting Commissioner to the Five Civilized Tribes, dated August 28, 1906, relative to the application and petition for the enrollment of Veneta (or Vinita) Cawdell, Leo Cawdell and Marie (or Mary) Cawdell, as citizens of the Chickasaw Nation, including the decision of the Commissioner, dated August 28, 1906, denying the application and petition.

Application was made to the Commission to the Five Civilized Tribes for the enrollment of the above named persons as citizens of the Chickasaw Nation on June 19, 1900.

The record shows that the applicants herein claim their right to enrollment by reason of being the children of Joe Cawdell, now deceased, an alleged citizen by intermarriage of the Chickasaw Nation, and Nettie Cawdell, a white woman, whose application for enrollment as a citizen by intermarriage was denied by the Commissioner on April 21, 1906, and by the Department on May 24, 1906.

The applicants herein being miners with no Indian blood, it is recommended that their application for enrollment as citizens of the Chickasaw Nation be denied, in accordance with the provisions of the Act of Congress approved June 21, 1906, (34 Stat.L., 325), and Departmental ruling in the case of William Jesse Bacon (I.T.D. 2542-1906).

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJV-XH

COPY.

DLM.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

ILB

D.C. 5168-1907.
I.T.D. 1018-1907.
LRS.

January 21, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

August 28, 1906, the Acting Commissioner transmitted the record in the matter of the application for the enrollment of Veneta (or Vinita) Cawdell, Leo Cawdell, and Marie (or Mary) Cawdell as citizens of the Chickasaw Nation, including your decision of the same date, adverse to the applicants.

Reporting January 15, 1907 (Land 75636-1906), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Thos Ryan.

Through the Commissioner
of Indian Affairs.

First Assistant Secretary.

1 inc. and 2 to Ind. Of.

COPY.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON/

Land.
75637-1906.

January 15, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of the Acting Commissioner to the Five Civilized Tribes, dated August 28, 1906, relative to the application and petition for the enrollment of Mary D. Gilliam, Amon W. Gilliam, Leslie Vernon Gilliam, and Don Lacey Gilliam, as citizens of the Chickasaw Nation, including the decision of the Commissioner, dated August 28, 1906, denying the application.

On June 19, 1900, application was made to the Commission by Mary D., Amon W., and Leslie Vernon Gilliam, for enrollment as citizens of the Chickasaw Nation. On July 18, 1906, a similar application was made in writing by Don Lacey Gilliam.

The applicants claim their right to enrollment as above by reason of being the children of John O. Gilliam, a recognized and enrolled citizen by intermarriage of the Chickasaw Nation, and Nannie Gilliam, a non-citizen white woman.

The applicants herein being minors with no Indian blood, there is no authority in law for their enrollment and it is recommended that their application be denied, in accordance with

-2-

the provisions of the Act of June 21, 1906 (34 Stat.L., 325), and in accordance with Departmental ruling in the case of William Jesse Bacon (I.T.D.2548-1906).

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

AJW-BH

COPY.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

LLB

D.C.5167-1907.
I.T.D.1038-1907.
LRS.

January 21, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

August 28, 1906, the Acting Commissioner transmitted the record in the matter of the application for the enrollment of Mary D. Gilliam, Amon W. Gilliam, and Leslie Lacey Gilliam as citizens of the Chickasaw Nation, including your decision of the same date, adverse to the applicants.

Reporting January 15, 1907 (Land 75637-1906), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case have been sent to the Indian-Office for its files.

Respectfully,

Thos Ryan.

Through the Commissioner
of Indian Affairs.

First Assistant Secretary.

1 inc. and 2 to Ind. Of.

9-R-59

W-69

Muskogee, Indian Territory, February 2, 1907.

J. O. Gilliam,

Barwyn, Indian Territory.

Dear Sir:

You are hereby notified that on January 21, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes rendered August 28, 1906, denying the application and petition for the enrollment of Mary D. Gilliam, Amos W. Gilliam and Leslie Vernon Gilliam, and the application for the enrollment of Don Lacey Gilliam, as citizens of the Chickasaw Nation.

Respectfully,

Commissioner.

9-R-59
V-69

Muskogee, Indian Territory, February 2, 1907.

Fred P. Branson,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on January 21, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes rendered August 28, 1906, denying the application and petition for the enrollment of Mary D. Gilliam, Amon W. Gilliam and Leslie Vernon Gilliam, and the application for the enrollment of Don Lacey Gilliam, as citizens of the Chickasaw Nation.

Respectfully,

Commissioner.

Muskogee, Indian Territory, February 2, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.


Gentlemen:

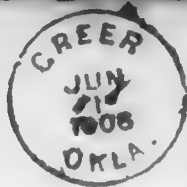
You are hereby notified that on January 21, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes rendered August 28, 1906, denying the application and petition for the enrollment of Mary D. Gilliam, Amon W. Gilliam and Leslie Vernon Gilliam, and the application for the enrollment of Don Lacey Gilliam, as citizens of the Chickasaw Nation.

Respectfully,

Commissioner.

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

Not here




Returned to

Reg. No. 30

DEPARTMENT OF THE INTERIOR.
Commissioner to the Five Civilized Tribes.

FILED

JUN 7 1906

22449

2244

Commissioner.

JUN 6 1906

Nettie Candell,

Greer, Oklahoma Territory.

5:38

19-86



Chic.R-62

Chic.R-62

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Colbert, Indian Territory, June 19, 1900.

In the matter of the application of William C. Miller, for enrollment as an inter-married citizen of the Chickasaw Nation. Wm. F. Miller, being first duly sworn by Acting Chairman, Bixby, testified as follows:

Q What is your name? A William C. Miller.

Q How old are you? A Twenty-four.

Q What is your postoffice address? A Robbersroost, I.T.

Q Do you make claim to enrollment as an inter-married citizen of the Chickasaw Nation? A Yes sir.

Q Through whom do you claim the right of enrollment as an inter-married citizen of the Chickasaw Nation? A Through my marriage to Ida McCoy.

Q Have you the original marriage license and certificate of marriage between yourself and Ida McCoy? A Yes sir.

You present herewith a license issued by the Clerk of the United States Court for the Southern District for the Indian Territory, for the marriage of W. C. Miller and Ida McCoy; issued on the 9th day of December, 1897; and the certificate of J. D. Cantwell, the minister who performed the marriage ceremony on December 19th, 1897.

Q This marriage license was issued under the laws of the United States; were you ever married under the Chickasaw law? A No sir.

Q This is the only evidence of your marriage you have? A Yes sir.

Q Ida McCoy, you say is dead? A Yes sir.

Q When did she die? A September 12, 1898.

Q What was her father's name? A His name was Harris; I don't know what his given name was; they called him Colonel Harris.

Q What was her mother's name? A Martha Harris.

Q How is it that she goes by the name of McCoy? A She married a McCoy before she married me.

Q What are the names of Ida McCoy's brothers and sisters who have been enrolled by this Commission? A Bob Harris; she has no sisters; that's all the brothers or sisters she has. that are living.

Q Who is Lillie McCoy? A She is Ida McCoy's daughter.

Q Who is Jake McCoy? A Lillie McCoy's brother.

Q Who is Zena McCoy? A Sister.

Q Who is Tommie McCoy? A. Sister.

Q You mean to say that all of these children are the children of Ida McCoy, your wife; how old was Ida McCoy when you married her?

A She was thirty-four I believe.

Q You can read? A Yes sir.

Q How old did you state that your wife was in that marriage license?

A It states there that she was twenty-one.

Q How do you account for the fact that it was stated when the license was issued that she was 21 and you now swear that she was 34?

A That man that I sent after the license, he put it down 21.

Q When did Ida McCoy die? A September 12, 1898.

Q Are there any additional statements that you desire to make in regard to your case at this time? A No sir.

Q You understand that a marriage under the United States Laws is not sufficient to entitle you to recognition as a citizen of the Chickasaw Nation, don't you? A Yes sir.

Q Why do you apply then for rights as an intermarried citizen? A I have been told that I had a right to it.

Q You said you understand that it is necessary to be married in accordance with the Indian Laws? A Yes sir.

Q Are there any other papers which you desire to file? A No sir.

William C. Miller -2-

The decision of the Commission in regard to your application for enrollment as an intermarried citizen of the Chickasaw Nation will be mailed to you in the near future at your present post-office address.

A. McElrath, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the above case, and that the above and foregoing is a full, true and complete transcript of his stenographic notes in said cause.

A. McElrath
Acting Stenographer.

Subscribed and sworn to before me this 14 day of August, 1900.

[Signature]
Acting Chairman.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William C. Miller for enrollment as an intermarried citizen of the Chickasaw Nation.

D E C I S I O N .

It appears from the record in this case that at Colbert, Indian Territory, on June 19, 1900, the applicant, William C. Miller, made personal application for enrollment as a citizen by intermarriage of the Chickasaw nation.

It appears from the evidence offered in support of this application, and an examination of the records of the Commission, that William C. Miller was on December 19, 1897, married to Ida McCoy, a citizen of the Chickasaw Nation, under United States law.

It also appears that said marriage was subsequent to the preparation of the last tribal roll of the Chickasaw Nation, and subsequent to the time within which the Commission to the Five Civilized Tribes or the Chickasaw Nation was authorized to receive applications for citizenship in the Chickasaw Nation under the act of Congress of June 10, 1896, (29 Stats., 321), hence this applicant could not have acquired any rights under the provisions of the act of Congress of June 10, 1896, supra, nor could his name have been placed upon the tribal rolls of the Chickasaw Nation.

It appears from the evidence offered in support of this application that William C. Miller, the applicant above named, was married to Ida McCoy, his Chickasaw wife, by virtue of a license procured under United States law. The act of the Chickasaw legislature

approved October 19, 1876 provides:

"Section 1. Be it enacted by the legislature of the Chickasaw Nation, That all non-citizens shall remain in any one county of this Nation for a period of two years, and be of good moral character and industrious habits before they can procure a license to marry a citizen of this Nation: Provided further, they be recommended by at least five good and responsible citizens of this Nation, and of the county wherein they reside, the County Judge being satisfied with the petition shall grant a license to marry under existing laws, and a non-citizen so applying for license shall pay fifty dollars, five of which shall be retained by the County Judge and forty five dollars to be placed in the National Treasury for national purposes."

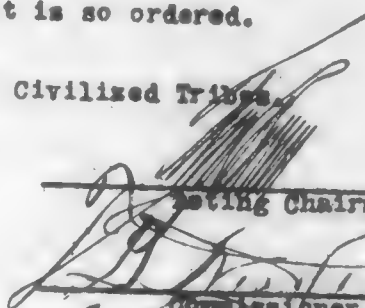
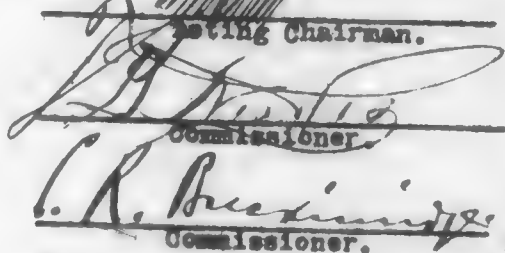
It does not appear from the evidence offered herein that William C. Miller, the above named applicant, was married to a recognized and enrolled citizen of the Chickasaw Nation, in accordance with the Chickasaw tribal laws.

The act of Congress of June 28, 1898, (30 Stats., 495) provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

It is therefore the opinion of the Commission that William C. Miller is not lawfully entitled to be enrolled as a member of the Chickasaw Tribe of Indians in Indian Territory, and that his application therefor should be refused and it is so ordered.

The Commission to the Five Civilized Tribes.


Acting Chairman.

Commissioner.

Dated at Muskogee, Indian Territory,
this APR -2 1902

COPY
No 888
MARRIAGE LICENSE.

United States of America.
Indian Territory, SS
Southern District

TO ANY PERSON AUTHORIZED BY LAW TO SOLEMNIZE
MARRIAGE -- GREETING:

YOU ARE HEREBY COMMANDED, To solemnize the Rite and
publish the Banns of Matrimony between

Mr. W. C. Miller, of Durant in the Indian Territory
aged 21 years, and M Ida McCoy, of Durant in the
Indian Territory, aged 21 years, according to law;
and do you officially sign and return this License
to the parties therein named.

Witness my hand and official seal, this 9th
day of Dec A. D. 1897

(SEAL) C. M. Campbell
Clerk of the United States Court.

CERTIFICATE OF MARRIAGE.

United States of America,
The Indian Territory, SS
Southern District.

I, J. D. Cantwell a minister of
gospel do hereby certify, that on the 19 day of Dec
A.D. 1897 I did duly and according to law, as requir-
ed in the foregoing License, solemnize the Rite
and publish the Banns of Matrimony between the
parties therein named.

WITNESS MY HAND this 19 day of Dec A.D. 1897

My credentials are recorded in the office of
the Clerk of the United States Court, Indian Territo-
ry, Southern District, at Ardmore, Book A Page 269.

J. D. Cantwell

a mi gospel

NOTE (a) This License and Certificate of Marriage
must be returned to the office of the Clerk of the
United States Court in the Indian Territory at
Ardmore within sixty days from the date thereof, or
the party to whom the License was issued will be
liable in the amount of One Hundred Dollars (\$100.)

NOTE (b) No person is authorized to perform the Mar-
riage ceremony in the Southern District unless the
proper credentials have first been recorded in the
Clerk's office.

MEMORANDA.

Name Wm B. Miller - 211 - (Date) June 19, 1900

Chocataw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen? Yes

Married under what law? U. S. Law

License filed this day, OK

Wife's name, Ida M. Coy { FATHER: Col. Harris

Chocataw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law? See Chickasaw Card 421

License filed this day

Names of children:

County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.

Ida M. Coy
mother
of children

COPY.

Chickasaw R 62

Muskogee, Indian Territory, April 8, 1902,

William G. Miller,

Robbersroost, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as a citizen of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

SIGNED

C. H. McCreath

Commissioner in Charge.

1 enclosure
Register.

COPY.

Waskogee, Indian Territory, April 2, 1902.

Messrs Mansfield, McMurray & Gornish,
Attorneys for the Cheetaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of William C. Miller as a citizen of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

W. D. Brockinridge

Commissioner in Charge.

1 enclosure
Register.

Chickasaw 2 05

COPY.

Washington, Indian Territory, April 2, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of William G. Miller for enrollment as a citizen of the Chickasaw Nation, including the decision of the Commission, dated April 2, 1902, refusing the application for the enrollment of William G. Miller as a citizen of said nation.

Respectfully,

WASAP

G. R. Breckinridge

Commissioner in Charge

I enclose

Through the Commissioner

of Indian Affairs

(COPY)

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. May 14, 1902.

Land,
22707-1902.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed herewith a report dated April 2, 1902, from G.R. Breckinridge, Esq., Commissioner in charge of the work of the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of William C. Miller for enrollment as an intermarried citizen of the Choctaw Nation.

The record in this case shows that on December 19, 1897, said William C. Miller, a citizen of the United States, was married to Ida McCoy, a citizen of the Chickasaw Nation, under and in accordance with the laws of the State of Texas.

April 2, 1902, the Commission held that the applicant was not lawfully entitled to enrollment as a member of the Chickasaw Nation.

The applicant, not having married his citizen wife in accordance with the laws of the Chickasaw Nation, is not entitled to enrollment in that Nation, and it is therefore respectfully recommended that the decision of the Commission be affirmed.

Very respectfully,

Your obedient servant,

A.C. Towner,

Acting Commissioner.

GAW
D

3 inclosures.

P. 1

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

I.T.D. 3135-1902.

May 23, 1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

May 14, 1902, the Acting Commissioner of Indian Affairs transmitted the record in the matter of the application of William C. Miller for enrollment as a citizen by intermarriage of the Chickasaw Nation, forwarded with your letter of April 8, 1902. He recommends that your decision be approved.

The record shows that on December 19, 1897, the applicant was married to a citizen of said nation, in accordance with the United States law. You state that it does not appear that the applicant was ever married to a recognized Chickasaw citizen in accordance with the Chickasaw tribal laws, and you refused the application.

The Department affirms your decision. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

THOS. RYAN,

Acting Secretary.

H.M.D.

1 inclosure.

D.C. 8783

Chickasaw R 63

COPY.

Muskogee, Indian Territory. June 8, 1902.

William C. Miller,

Robbersroost, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of May 23, 1902, affirmed the decision of the Commission, dated April 8, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Chickasaw Nation, by intermarriage.

Yours truly,

SEVEN

Acting Chairman.

Chickasaw 2 00

Muskogee, Indian Territory. June 2, 1902.

Manerfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of May 23, 1902, affirmed the decision of the Commission, dated April 2, 1902, refusing the application made by William C. Miller for the enrollment of himself as a citizen of the Chickasaw Nation, by intermarriage.

Yours truly,

Acting Chairman.

Chic. R-63

Chic. R-63

5

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Calbert, Ind. Ter., June 19, 1900.

In the Matter of the Application of :
Henry Holder for enrollment as a Cit- : Chickasaw No. _____
izen of the Chickasaw Nation. :

Henry Heller, being first duly sworn by Acting Chairman Sizby, testified as follows:

- Q What is your name? A Henry Holder.
Q How old are you? A 23 years.
Q You apply for enrollment as a Chickasaw Indian by blood do you?
A Yes sir.
Q Where do you live? A Six miles east of Mariatta, Chickasaw Nation.
Q How long have you lived in the Chickasaw Nation? A Bout 14 years.
Q Where did you live prior to that time? A Texas.
Q Where were you born? A Texas.
Q Your postoffice is Marietta, Ind. Ter.? A Yes sir.
Q What is the name of your father? A J. L. Holder.
Q Is he living? A Yes sir.
Q Is he a white man or a Chickasaw Indian? A Chickasaw Indian.
Q What proportion of Chickasaw blood does he claim? A 1/8.
Q Where does he live? A He lives right where I do.
Q How long has he lived there? A He only lived on the place this year.
Q How long has he lived in the Chickasaw Nation? A He has been here about 14 years to my knowledge.
Q Does his name appear on any of the Chickasaw tribal rolls as a citizen of that Nation? A No sir.
Q Did he ever apply to the tribal authorities of the Chickasaw Nation for citizenship in that nation? A No sir.
Q What is the name of your mother? A Margaret Holder.
Q Is she living? A Yes sir.
Q Is she a white woman or Indian? A Indian.
Q What kind of an Indian? A Chickasaw.
Q What proportion of Chickasaw Indian blood does she claim? A 1/8.
Q Where does she live? A She lives in the same place we do.
Q Her residence is the same as your father's? A Yes sir.
Q Does her name appear upon any of the Chickasaw tribal rolls? A No.
Q Has she ever applied to the Chickasaw tribal authorities for citizenship in the Chickasaw Nation? A No sir.
Q Did either your father or mother apply to the Commission to the Five Civilized Tribes in the year 1896 for citizenship in the Chickasaw Nation? A No sir.
Q Does your name appear on any of the tribal rolls of the Chickasaw Nation? A No sir.
Q Did you ever apply to the Chickasaw tribal authorities for citizenship in the Chickasaw Nation? A No sir.
Q You have never been recognized by the Chickasaw tribal authorities of the Chickasaw Nation? A No sir.
Q Have you ever appeared before this Commission before? A No sir.
Q Are you married? A Yes sir.
Q What is the name of your wife? A Pearle Holder.
Q You make no claim for her? A No sir.
Q Have you any children? A No sir.
Q Upon what you base your claim for right to enrollment as a Chickasaw Indian? A I have 1/16 Chickasaw blood.
Q That is the only reason? A Yes sir.
Q How does it come that you have lived in the Chickasaw Nation so long and yet you have never for yourself, nor has your father for

2-Henry Holder.

2pm:

you, applied to the Chickasaw Authorities, or to this Commission, for citizenship in the Chickasaw Nation? A I can't tell you that. I reckon my grandmother is on the rolls right here.

Q Have you ever been out of the Choctaw or Chickasaw Nations in the last three years? A No, I have not.

Q Is there any additional statement in regard to your case that you wish to make at this time? A I don't know as there is.

Q Are there any papers you desire to file with the Commission at this time? A No, not now.

A copy of the decision of the Commission in your case will be furnished you by letter, and mailed to your proper address.

Frances R. Brown, being first duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, she reported the testimony of the above named witness, and that the foregoing is a true and complete transcript of said testimony.

Frances R. Brown

SUBSCRIBED in my presence and sworn to before me this 23rd day of June, A. D., 1900.



Acting Chairman.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Henry Holder for enrollment as a citizen by blood of the Chickasaw Nation.

D E C I S I O N .

It appears from the record in this case that on June 19, 1900, the applicant, Henry Holder, appeared before the Commission at Colbert, Indian Territory, and made application for enrollment as a citizen by blood of the Chickasaw Nation.

It appears from the evidence offered in support of said application and examination of the tribal rolls of the Chickasaw Nation in the possession of the Commission that the applicant has never been enrolled as a citizen of the Chickasaw Nation and that his name does not appear upon the tribal rolls of the Chickasaw Nation.

It further appears from an examination of the records in the possession of the Commission that the applicant has never been admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes, or the legally constituted authorities of the said nation or the United States Court in Indian Territory on appeal in accordance with the act of Congress of June 10, 1896 (29 Stats., 321).

The act of Congress of June 28, 1898 (30 Stats., 493), provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made,


with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900 (31 Stats., 221), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is therefore the opinion of this Commission that Henry Holder is not lawfully entitled to be enrolled as a member of the Chickasaw Tribe of Indians in Indian Territory and that his application as such should be refused, and it is so ordered.

The Commission to the Five Civilized Tribes.


C. R. Buckner
Commissioner

Dated at Muskogee, Indian Territory,
this 24 day of January, 1902.

FILED
JUN 19 1900
COMMISSION TO FIVE TRIBES.

COPY

Muskogee, Indian Territory, January 24, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Henry Holder for enrollment as a citizen of the Chickasaw Nation, including the decision of the Commission, dated January 24, 1902, refusing the application for the enrollment of Henry Holder as a citizen of said nation.

Respectfully,

Tams Bixby

Acting Chairman.

I enclose.

Chickasaw R 88

Through the Commissioner
of Indian Affairs.

COPY

Muskogee, Indian Territory, January 24, 1902.

Henry Holder,

Marietta, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for enrollment as a citizen of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Tamm Bixby

Acting Chairman.

1 enclosure.
Chickasaw R 43
Registered.

COPY

Muskogee, Indian Territory, January 24, 1902.

Messrs Mansfield, McMurray & Cornish,

Attorneys for the Cheateaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Henry Holder as a citizen of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Tamr Bixby

Acting Chairman.

1 enclosure.
Chickasaw N 63
Registered.

D. C. No. 3779-1902.

(COPY)

L. R. S.

12970

J. P.
J.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

I.T.D.1102
& 1101-1902.

February 23, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Your decision of January 24, 1902, rejecting the application for enrollment of Henry Holder as a citizen of the Chickasaw Nation, case R 63, in accordance with the act of May 31, 1900 (31 Stat., 221), is hereby affirmed, as recommended by the Commissioner of Indian Affairs in letter of February 14,.

Respectfully,

Thos Ryan

Acting Secretary .

END

COPY.

Mustagee, Indian Territory, March 13, 1902.

Messrs Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior under date of February 28, 1902, affirmed the decision of the Commission, dated January 24, 1902, denying the application made by Henry Holder for the enrollment of himself as a citizen of the Chickasaw Nation.

Yours truly,

(SIGNED) *T. E. Needles.*

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, March 13, 1902.

Henry Holder,

Marietta, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of February 28 , 1902, affirmed the decision of the Commission dated January 24, 1902, denying the application made by you for the enrollment of yourself as a citizen of the Chickasaw Nation.

Yours truly,

(SIGNED).

T. D. Needles.

Commissioner in Charge.

9-6-20
9-12-20

25843

Muskogee, Indian Territory, June 29, 1906.

R. W. Trout,

Mik, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of June 9, 1906, enclosing affidavits of Mary Jane Trout and W. D. Irby to the birth of your daughter, Gracy Ella Trout, August 4, 1904.

In reply to that portion of your letter in which you ask if it will be necessary for you to make application for the enrollment of children born since 1896, you are advised that on June 29, 1904, the Choctaw-Chickasaw Citizenship Court denied the citizenship in the Chickasaw Nation of your wife, Mary Jane Trout, and it does not appear that she now has an application pending before this office for enrollment as a citizen of the Chickasaw Nation, but if she has such a pending application and desires to forward applications for the enrollment of her children born since 1896 same will be received, and for this purpose there are enclosed herewith four blanks for the enrollment of minor children under the Act of Congress, approved April 25, 1906.

Respectfully,

W. H. East. 29/1

Commissioner.

Chic. R. 64

Chic. R. 64

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Colbert, Indian Territory, June 19, 1900.

In the matter of the application of James F. Langley, for enrollment as a citizen by blood of the Chickasaw Nation, James F. Langley being first duly sworn by Acting Chairman, Bixby, testified as follows:

Q What is your name? James F. Langley.

Q How old are you? A Twenty-four.

Q What is your postoffice address? A South McAlester, I. T.

Q Do you live at South McAlester? A Yes sir.

Q Is that your place of business? A Yes sir.

Q You make that your home? A Yes sir.

Q You claim as a Chickasaw? A Yes sir.

Q How much Chickasaw blood do you claim? A One-sixteenth.

Q What is the name of your father? William Langley.

Q Is he living? A Yes sir.

Q What is your mother's name? A Laurine Langley.

Q Is she living? A Yes sir.

Q Through which of your parents do you claim Indian citizenship?

A My mother.

Q Did your mother's name ever appear on the tribal rolls of the Chickasaw Nation? A No sir.

Q Was she ever recognized by the tribal authorities? A No sir.

Q Did she apply to the Commission to the Five Civilized Tribes in 1896 for citizenship? A Yes sir.

Q Were you in that? A No sir.

Q What action did the Commission take on that case? A I don't know.

Q What was the title of the case? A The people was named Rosenbaum.

Q I understand that you make application for citizenship by blood to the Chickasaw Nation as a Chickasaw by blood? A Yes sir.

Q Who is L. C. Langley? A My mother.

The records of this Commission examined on 1896 Citizenship Docket "C", page 405, Choctaw case 1231, L. C. Langley vs Choctaw Nation; original application filed September 8, 1896, answer of the Choctaw Nation filed; application denied by this Commission on December 8th, 1896. No record of any appeal.

Q Was that L. C. Langley your mother? A Yes sir.

Q You now make application as a Chickasaw? A Yes sir.

Q You claim your right to citizenship by blood through your mother? A Yes sir.

Q Did she ever make application to the tribal authorities of the Chickasaw Nation for citizenship in that Nation? A No, she never did.

Q Is this your first application? A Yes sir.

Q You were not included in the application made by your mother in 1896? A No, I guess not.

Q By virtue of what do you make claim as a citizen of the Chickasaw Nation? A Because my mother is a Chickasaw by blood.

Q Do you know that your mother was denied by the Bureau Commission, under the Act of June 10th, 1896? A No sir.

Q You knew it now? A Yes sir.

Q Do you know that your mother was refused enrollment as a citizen of the Chickasaw Nation on June 8th, 1900? A Yes sir.

Q You still, however, desire to make your claim as a citizen of the Chickasaw Nation? A Yes sir.

Q Are you married? A No sir.

Q You have never been recognized by the tribal authorities of the Chickasaw Nation. No sir.

James F. Langley -2-

Q Are there any additional statements that you desire to make. A No sir.

Q Any papers that you now desire to file? A No sir.

Q Is that all you want to say? A Yes sir.

The decision of the Commission as to your application for enrollment as a citizen by blood of the Chickasaw Nation will be mailed to you in the near future at your present postoffice address.

A. McElrath, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that the above and foregoing is a full, true and complete transcript of his stenographic notes in said cause.

Subscribed and sworn to before me this 14 day of August, 1900.


Acting Chairman.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James F. Langley for enrollment as a citizen by blood of the Chickasaw Nation.

D E C I S I O N .

It appears from the record in this case that on June 19, 1900, the applicant, James F. Langley, appeared before the Commission at Colbert, Indian Territory, and made application for enrollment as a citizen by blood of the Chickasaw Nation.

It appears from the evidence offered in support of said application and examination of the tribal rolls of the Chickasaw Nation in the possession of the Commission that the applicant above named has never been enrolled as a citizen of the Chickasaw Nation and that his name does not appear upon the tribal rolls of the Chickasaw Nation; neither does it appear that he has been admitted to citizenship in the Chickasaw Nation by the legally constituted authorities of the said Nation.

It further appears from an examination of the records in the possession of the Commission that application was made to the Commission to the Five Civilized Tribes in 1896 for James F. Langley, the above named applicant, for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896, and that said James F. Langley was by the Commission denied citizenship in the Choctaw Nation, in Choctaw case Number 1231, and that no appeal was taken from the said decision of the Commission to the United States Court in Indian Territory, within the time prescribed by the act of Congress of June 10, 1896, (29 Stats., 321).

The act of Congress of June 28, 1898, (30 Stats., 495),
provides:

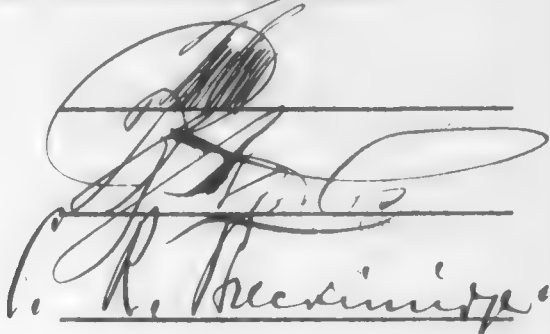
"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 221),
provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is therefore the opinion of this Commission that James F. Langley is not lawfully entitled to be enrolled as a member of the Chickasaw Tribe of Indians in Indian Territory and that his application as such should be refused and it is so ordered.

The Commission to the Five Civilized Tribes.

A handwritten signature in dark ink, appearing to read "C. R. Hester", is written over two horizontal lines. The signature is stylized with a large, sweeping initial "C" and a long, horizontal flourish extending to the right.

Dated at Muskogee, Indian Territory,
this

FILED
JUN 10 1900
COMMISSION TO FIVE TRIBES.

MEMORANDA.

Name

(Date)

Choctaw?

County

Year

No.

Chickasaw?

County

Year

Page

Citizen by blood?

Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw?

County

Year

No.

Chickasaw?

County

Year

Page

Citizen by blood?

Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

County

Year

Page

No.

County

Year

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County

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No.

COPY.

Muskogee, Indian Territory, February 3, 1902.

James P. Langley,

South McAlester, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for enrollment as a citizen of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED).

James Birby.

Acting Chairman.

1 enclosure
Chickasaw R 44
Registered

COPY.

Muskogee, Indian Territory, February 3, 1902.

Messrs Mansfield, McFurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of James F. Langley as a citizen of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

yours truly,

SIGNED

James D. Dwyer.

Acting Chairman.

1 enclosure
Chickasaw R 64
Registered

COPY.

Muskogee, Indian Territory, February 3, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of James F. Langley for enrollment as a citizen of the Chickasaw Nation, including the decision of the Commission, dated February 3, 1902, refusing the application for the enrollment of James F. Langley as a citizen of said nation.

Respectfully,

(SIGNED)

James D. Doby.

Acting Chairman.

1 enclosure
Chickasaw R 64

Through the Commissioner
of Indian Affairs.

C O P Y

Refer in reply to the following:
Land.
8473-1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, February 15, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is inclosed herewith a report from the Acting Chairman of the Commission to the Five Civilized Tribes dated February 31, 1902, forwarding for the Department's consideration the record of proceedings in the matter of the application of James F. Langley for enrollment as a citizen of the Chickasaw Nation by blood.

February 3, 1902, the Commission found that the applicant was not entitled to enrollment as a citizen of the Chickasaw Nation.

The record shows that in 1896 James F. Langley applied to the Commission for citizenship in the Choctaw Nation; that the application was denied and that no appeal was taken from the decision of the Commission. From the record it also appears that the application to the Commission for enrollment as a Chickasaw citizen was not made by James F. Langley until June 19, 1900, which was long after the expiration of the time in which applicants had the right to make original applications for enrollment, and the office therefore believes that the

COMMISSION TO THE
FILED
MAR 14 1902

-2-

decision of the Commission of February 3, 1902, is correct,
and respectfully recommends that it be approved.

Very respectfully,

Your obedient servant,

W. A. JONES.

Commissioner.

CAW
D

3 inclosures

13668

L. R. S.

J. D.
P.

DEPARTMENT OF THE INTERIOR.

I.T.D.1174-1902. WASHINGTON.

March 3, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

February 15, 1902, the Commissioner of Indian Affairs transmitted the papers in the matter of the application for enrollment of James F. Langley as a citizen of the Chickasaw Nation, and recommended that your decision of February 3, 1902, rejecting said application in accordance with the act of May 31, 1900 (31 Stat., 221) be approved.

The Department affirms your decision. A copy of the Commissioner's letter is inclosed.

Respectfully,

(Signed) THOS RYAN

Acting Secretary.

EDD

1 inclosure.

COPY.

Muskogee, Indian Territory, March 13, 1902.

Messrs Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of March 3, 1902, affirmed the decision of the Commission, dated February 3, 1902, denying the application made by James F. Langley for the enrollment of himself as a citizen of the Chickasaw Nation.

Yours truly,

DESIGNED *I. B. Neceles.*

Commissioner in Charge.

MEMBERS
HENRY L. DAVIS.
TAMM SILBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Chickasaw R 64

Muskogee, Indian Territory, March 15, 1902.

James F. Langley,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of March 3, 1902, affirmed the decision of the Commission dated February 3, 1902, denying the application made by you for the enrollment of yourself as a citizen of the Chickasaw Nation.

Yours truly,

Commissioner in Charge.

Reg 401



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

James F. Langley,

~~South McAlester,~~

Indian Territory.



Chic.R-65

Chic.R-65

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Colbert, Indian Territory, June 19, 1900.

In the matter of the application of Donie Van Hooser for enrollment of herself and her minor children as citizens by blood of the Chickasaw Nation. Donie Van Hooser being first duly sworn by acting Chairman, Bixby, testified as follows:

- Q What is your name? A Donie Van Hooser.
Q How old are you? A Twenty-nine years old.
Q What is your postoffice address? A Legal, I.T.
Q You live at Legal? A Yes sir.
Q You make your home there? A Yes sir.
Q You claim as a Chickasaw? A Yes sir.
Q How much Chickasaw blood do you claim? A One-sixteenth.
Q What is your father's name? William Langley.
Q What is your mother's name? A Lourena Langley.
Q They are both living? A Yes sir.
Q You claim your rights to Indian citizenship through your mother?
A Yes sir.
Q Have you ever been recognized by the tribal authorities of the Chickasaw Nation? A Why, yes sir; my mother has.
Q Have you? A No sir.
Q Is your name on any of the tribal rolls of the Chickasaw Nation?
A No sir.
Q Did you ever apply to the tribal authorities of the Chickasaw Nation for enrollment as a Chickasaw citizen? A No sir.
Q Did you apply to the Commission to the Five Civilized Tribes in 1896, under the Act of Congress, June 10th, 1896 for citizenship in the Chickasaw Nation? A My mother did.
Q The records of this Commission show that your mother did not apply to the Commission for Chickasaw citizenship; that she made application for Choctaw citizenship; is that not correct? A Yes sir.
Q Do you know what action the Commission took in that case? A No sir I do not.
Q Do I understand then that you claim as a citizen by blood of the Chickasaw Nation and through your mother? A Yes sir.
Q Is that the only claim which you make? A Yes sir.
Then the only claim which you make for citizenship in the Chickasaw Nation is by virtue of the act of this Commission in your mother's case. - Records examined; Citizenship Docket "C" of 1896, page 405, Choctaw case 1231, L. C. Langley at al vs the Choctaw Nation; original application filed September 8th, 1896, answer of the Choctaw Nation filed; application denied December 8, 1896. A No record of any appeal.
Q Mrs. Van Hooser, you are the daughter of the Mrs. Lourena C. Langley who applied to this Commission for citizenship in the Choctaw Nation, and you know that she was denied citizenship by the Commission to the Five Civilized Tribes? A Why, yes, I reckon so.
Q You also know that your mother applied to the Commission at Atoka June 5, 1900 for enrollment as a citizen of the Chickasaw Nation and you know that the Commission at that time refused her enrollment as a citizen of that Nation? A Well, I don't know.
The Commission did at that time refuse to enroll her as a citizen of the Chickasaw Nation.
Q This, through your mother, is the only claim which you desire to make? A Yes sir.
Q Are there any additional statements that you desire to make? A No sir.
Q Are there any papers which you desire to file? A No sir, I guess not.

Denie Van Hooser -2-

- Q Are you married? A Yes sir.
Q What is your husband's name? A William Henry Van Hooser.
Q Do you make any claim for him? A No sir.
Q How old is he? A Forty-one.
Q Have you any children? Four.
Q You desire to make claim for them? A Yes sir.
Q Give their names and ages please? A Esker Lee Van Hooser 9,
Tiney Lee Darie Van Hooser 7, Rosa Belle Van Hooser 3 and Carrie
Jane Van Hooser 1.
Q Is that all? A Yes sir.
Q You are the mother of these four children and William Henry Van
Hooser is their father? A Yes sir.
Q You have never appeared before the Commission before? A No sir.

The decision of the Commission as to your application on your
own behalf and on behalf of your minor children for enrollment as
citizens by blood of the Chickasaw Nation will be mailed to you in
writing in the near future at your present postoffice address.

A. McElrath, being first duly sworn, states that as stenogra-
pher to the Commission to the Five Civilized Tribes, he reported
the foregoing case, and that the above and foregoing is a full, true
and complete transcript of his stenographic notes in said cause.

Subscribed and sworn to before me this 14 day of August, 1900.


Acting Chairman.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Donie Van Hooser for the enrollment of herself and her four minor children, Esker Lee, Tiney Lee Darie, Rosa Belle and Carrie Jane Van Hooser, as citizens by blood of the Chickasaw Nation.

D E C I S I O N .

It appears from the record in this case that on June 19, 1900, the applicant, Donie Van Hooser, appeared before the Commission at Colbert, Indian Territory, and made application for the enrollment of herself and her four minor children, Esker Lee Van Hooser, Tiney Lee Darie Van Hooser, Rosa Belle Van Hooser and Carrie Jane Van Hooser, as citizens by blood of the Chickasaw Nation.

It appears from the evidence offered in support of said application and examination of the tribal rolls of the Chickasaw Nation in the possession of the Commission that the applicants above named have never been enrolled as citizens of the Chickasaw Nation and that their names do not appear upon the tribal rolls of the Chickasaw Nation; neither does it appear that they have been admitted to citizenship in the Chickasaw Nation by the legally constituted authorities of the said Nation.

It further appears from an examination of the records in the possession of the Commission that application was made to the Commission to the Five Civilized Tribes in 1896 for citizenship in the Choctaw Nation for Donie Van Hooser, Esker Van Hooser, Tiney Van Hooser and Rosa Van Hooser, under the act of Congress of June 10, 1896, and said applicants, Donie Van Hooser, Esker Van Hooser, Tiney and Rosa Van Hooser were by the Commission denied citizenship in the Choctaw Nation in Choctaw case Number 1231, and that no appeal was taken from the said decision of the Commission to the United States

Court in Indian Territory, within the time prescribed in the act of Congress of June 10, 1896, (29 Stats., 321).

The act of Congress of June 28, 1898, (30 Stats., 495), provides:

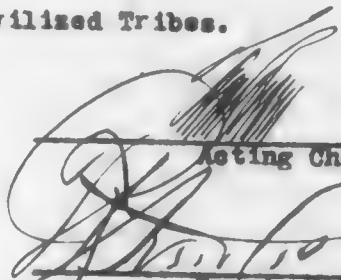
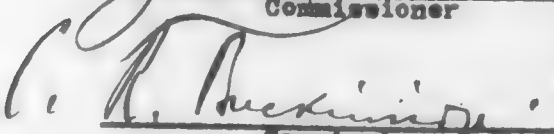
"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 221), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is therefore the opinion of this Commission that Donie Van Hooser and her four minor children, Raker Lee Van Hooser, Tiney Lee Darie Van Hooser, Rosa Belle Van Hooser and Carrie Jane Van Hooser, are not lawfully entitled to be enrolled as members of the Chickasaw Tribe of Indians in Indian Territory and that their application as such should be refused and it is so ordered.

The Commission to the Five Civilized Tribes.


Acting Chairman.

Commissioner

Dated at Muskogee, Indian Territory,
this FEB 23, 1901

FILED
JUN 19 1900
COMMISSION TO FIVE TRIBES

MEMORANDA.

Name William H. Van Hooser - 25 (Date) June 1890 1890.

Choctaw? _____ County _____ Year _____ No. _____

Chickasaw? Yes County _____ Year _____ Page _____

Citizen by blood? _____ Mother's citizenship Yes

Intermarried citizen? _____

Married under what law? Claim through mother

License filed this day _____

Wife's name William H. Van Hooser - 41

Choctaw? _____ County _____ Year _____ No. _____

Chickasaw? _____ County _____ Year _____ Page _____

Citizen by blood? _____ Mother's citizenship _____

Intermarried citizen? _____

Married under what law? _____

License filed this day _____

Names of children:

9	<u>Ed. H. Van Hooser</u>	County _____	Year _____	Page _____	No. _____
7	<u>Priscilla " " "</u>	County _____	Year _____	Page _____	No. _____
3	<u>Rosa Belle " " "</u>	County _____	Year _____	Page _____	No. _____
1	<u>Corrie Jane " " "</u>	County _____	Year _____	Page _____	No. _____
		County _____	Year _____	Page _____	No. _____
		County _____	Year _____	Page _____	No. _____
		County _____	Year _____	Page _____	No. _____
		County _____	Year _____	Page _____	No. _____
		County _____	Year _____	Page _____	No. _____
		County _____	Year _____	Page _____	No. _____

Citizen by blood

COPY.

Muskogee, Indian Territory, February 3, 1902.

Donie Van Hooser,

Legal, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and your four minor children, Esker Lee van Hooser, Tiny Lee Deric Van Hooser, Rosa Belle Van Hooser and Carrie Jane van Hooser, as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED).

James C. Wiley

Acting Chairman.

1 enclosure
Chickasaw R 65
Registered

COPY.

Muskogee, Indian Territory, February 3, 1902.

Messrs Mansfield, McMurray & Cornish,

Attorneys for the Cheataw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Benie, Baker Lee, Finney Lee Darie, Bess Belle and Garrie Jane Van Hooser, as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the secretary will be made known to you as soon as the Commission is informed of the same.

yours truly,

(SIGNED)

James D. Dwyer

Acting Chairman.

1 enclosure
Chickasaw R 65
Registered.

COPY

Muskogee, Indian Territory, February 3, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Donie Van Hooser for the enrollment of herself and her four minor children, Esker Lee Van Hooser, Tiny Lee Darie Van Hooser, Rosa Belle Van Hooser and Carrie Jane Van Hooser, as citizens of the Chickasaw Nation, including the decision of the Commission, dated February 3, 1902, refusing the application for the enrollment of Donie, Esker Lee, Tiny Lee Darie, Rosa Belle and Carrie Jane Van Hooser as citizens of said nation.

Respectfully,

(SIGNED)

Samuel D. Doby.

Acting Chairman.

1 enclosure
Chickasaw R 65

Through the Commissioner
of Indian Affairs.

C O P Y .

DEPARTMENT OF THE INTERIOR,
Land OFFICE OF INDIAN AFFAIRS,
8473-1902 WASHINGTON, February 15, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is inclosed herewith a report from the Acting Chairman of the Commission to the Five Civilized Tribes dated February 3, 1902, forwarding for the Department's consideration the record of proceedings in the matter of the application of Donie van Hooser for the enrollment of herself and her four minor children, Esker Lee Van Hooser, Tiney Lee Darie Van Hooser, Rosa Belle Van Hooser and Carrie Jane Van Hooser, as citizens of the Chickasaw Nation.

February 3, 1902, the Commission found that the applicants were not entitled to enrollment in the Chickasaw Nation as citizens thereof.

The record shows that the applicant, in 1896, made application for the enrollment of all the parties above-named except Carrie Jane Van Hooser as citizens of the Choctaw Nation; that Carrie Jane Van Hooser was but one year of age on June 10, 1900; that the application for the enrollment of said persons was denied and that no appeal was taken from the decision of the Commission.

The application of these parties for enrollment as citizens of the Chickasaw Nation seems to have been made on June 10, 1900, which was long after the expiration of the time limit within which original applications could be made.

The office believes that the decision of the Commission of February 3, 1902, is correct, and respectfully recommends that it be approved.

Very respectfully,

Your obedient servant,

W. A. Jones.

Commissioner.

GAW
D

3 inclosures.

L.R.S.

13676

J.P.

F.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I.T.D.1175-1902.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

February 15, 1902, the Commissioner of Indian Affairs transmitted the papers in the matter of the application for enrollment of Donie Van Hooser and children, Esker Lee, Tiney Lee Darie, Rosa Belle and Carrie Jane Van Hooser as citizens of the Chickasaw Nation, and recommended that your decision of February 3, 1902, rejecting said application in accordance with the act of May 31, 1900 (31 Stat., 221), be approved.

The Department affirms your decision. A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan.

Acting Secretary.
E.M.D.

1 inclosure.

HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Chickasaw R 65

ALLISON L. AYLESWORTH
SECRETARY

Muskogee, Indian Territory, April 5, 1902.

Donie Van Hooser,
Legal, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior under date of March 3, 1902, affirmed the decision of the Commission, dated February 3, 1902, denying the application made by you for the enrollment of yourself and your four minor children, Esker Lee Van Hooser, Tiney Lee Darie Van Hooser, Rosa Belle Van Hooser and Carrie Jane Van Hooser as citizens of the Chickasaw Nation.

Yours truly,

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, April 5, 1902.

Messrs Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior under date of March 3, 1902, affirmed the decision of the Commission, dated February 3, 1902, denying the application made by Donie Van Hooser for the enrollment of herself and her four minor children, Baker Lee Van Hooser, Tiny Lee Darie Van Hooser, Rosa Belle Van Hooser and Carrie Jane Van Hooser as citizens of the Chickasaw Nation.

Yours truly,

C. R. Breckinridge.
(SIGNED)
Commissioner in Charge.

1260
5-28



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Donie Van Hooser,

Legal,

Indian Territory.

Has Left Hear Present address unknown
JB Lee p.m



Chic R-66

Chic R-66

9-1-00

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I.T., June 19, 1900.

In the matter of the application of Mary Tomlinson for the enrollment of herself and children as Chickasaws by blood, and for the enrollment of her husband as an intermarried Chickasaw; being sworn and examined by Acting Chairman Sixby, she testified as follows:

- Q What is your name? A Mary Tomlinson.
- Q How old are you? A 32.
- Q What is your post office address? A Elk, I.T.
- Q How long have you lived in the Indian Territory? A 12 years.
- Q Have you been living here all the time during the past three years? A Yes, sir.
- Q Where did you live before coming to the Indian Territory? A In Texas.
- Q Were you born in Texas? A Yes, sir.
- Q What is your father's name? A Jonas McCurley.
- Q Is he living? A No, sir.
- Q Was he a white man or a Chickasaw? A He was a Chickasaw.
- Q How much Chickasaw was he? A $1/4$.
- Q Was his name ever on the Chickasaw Tribal rolls? A No, sir.
- Q Was he ever recognized as a Chickasaw indian by the Tribal authorities? A No, sir.
- Q What is your mother's name? A Sarah McCurley.
- Q Is she living? A No, sir.
- Q Was she a white woman or a Chickasaw indian? A She was a white woman.
- Q How much Chickasaw indian blood do you think runs in your veins? A $1/8$.
- Q Has your name ever appeared upon the Tribal rolls of the Chickasaw Nation? A No, sir.
- Q Did you ever apply to the Tribal authorities for enrollment as a Chickasaw indian? A No, sir.
- Q Did you apply to the Daves Commission in 1896? A No, sir.
- Q Is this your first application? A Yes, sir.
- Q What is your husband's name? A Dennis Tomlinson.
- Q What is his father's name? A Lee Tomlinson.
- Q Is he living? A No, sir, I don't know anything about his relations.
- Q What is his mother's name? A I don't know nothing about his mother, I never seen her.
- Q Is she living or dead? A She is dead.
- Q Your husband is a white man, is he? A Yes, sir.
- Q Didn't he ever claim to be an indian? A No, sir.
- Q Have you your marriage license and certificate? A No, sir.
- Q Under what law did you marry him? A I don't know, I married in Texas, I reckon under Texas law.
- Q When did you marry him? A 23 years ago.
- Q Have you your marriage license and certificate? A No, sir.
- Q You don't wish to offer them in evidence? A No, sir.
- Q What are the names and ages of your children under 21 and unmarried? A Eddie is 14, Lizzie is 12, Jesse is 10, Maudie is 8, Sammie is 4.
- Q Do these children all live at home? A Yes, sir.
- Q Their post office address and residence is the same as yours? A Yes, sir, Elk, I.T.
- Q Do you think of anything else in regard to your case you would like to state at this time? A No, sir.
- Q Have you any papers you want to file? A Yes, sir, I want to file some later.

The decision of the Commission will be withheld until the receipt of such papers as you may file within a reasonable time. You

Mary Tomlinson - 2.

Will be furnished with a copy of the decision of the Commission when made, in writing, mailed to your present post office address.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the 30th day of June, 1900.

[Signature]
Commissioner.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary Tomlinson for the enrollment of herself and her five minor children, Eddie, Liddie, Jesse, Maudie and Summie Tomlinson as citizens by blood of the Chickasaw Nation, and for the enrollment of her husband, Dennis Tomlinson, as an intermarried citizen of the Chickasaw Nation.

D E C I S I O N .

It appears from the record in this case that on June 19, 1900, the applicant, Mary Tomlinson, appeared before the Commission at Colbert, Indian Territory, and made application for the enrollment of herself and her five minor children, Eddie, Liddie, Jesse, Maudie and Summie Tomlinson as citizens by blood of the Chickasaw Nation, and the enrollment of her husband, Dennis Tomlinson, as an intermarried citizen of the Chickasaw Nation.

It appears from the evidence offered in support of said application and examination of the tribal rolls of the Chickasaw Nation in the possession of the Commission that the applicants above named have never been enrolled as citizens of the Chickasaw Nation and that their names do not appear upon the tribal rolls of the Chickasaw Nation.

It further appears from an examination of the records in the possession of the Commission that these applicants have never been admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes, or the legally constituted authorities of the said Nation or the United States Court in Indian Territory on appeal in accordance with the act of Congress of June 10, 1896 (29 Stats., 321).

The act of Congress of June 20, 1896 (30 Stats., 495), provided

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."


The act of Congress of May 31, 1900 (31 Stats., 221), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It farther appears that Dennis Tomlinson claims to be a citizen of the Chickasaw Nation by reason of his marriage to Mary Tomlinson who is not a recognized citizen of the said nation and that he was not married to the said Mary Tomlinson in conformity with the laws of said nation.

It is therefore the opinion of this Commission that Mary Tomlinson and her five minor children, Eddie, Lizzie, Jesse, Maudie, and Sammie Tomlinson, and her husband, Dennis Tomlinson, are not lawfully entitled to be enrolled as members of the Chickasaw Tribe of Indians in Indian Territory and that their application as such should be refused, and it is so ordered.

The Commission to the Five Civilized Tribes,


C. R. Buckner
Commissioner

Dated at Muskogee, Indian Territory,

This 24 day of January, 1902.

CHICKASAW. REFUSED.

JUN 9 1900

Mary Tomlinson. (32)
Elk, I.T.

(Father) Jonas McCurley. (1/4)
(Mother) Sarah McCurley (n.s.) Beard

(Husband) Dennis Tomlinson. (47) yes

(Father) Lee Tomlinson. Beard
(Mother) — Tomlinson. Beard

(Children)

14. Eddie. (m) & Maudie. (7)
12. Liddie. (7) 4. Sammie. (m)
10. Jesse (m)

CHICKASAW.

Personal appearance and
testimony at Colbert, I.T.
June 12, 1900.

COPY

Muskogee, Indian Territory, January 24, 1902.

Mary Tomlinson,

Musk, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and your five minor children, Eddie, Liddle, Jesse, Maudie and Bernice Tomlinson and your husband, Dennis Tomlinson, as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

SIGNED

James Bixby

Acting Chairman.

1 enclosure.
Chickasaw B 66
Registered

COPY

Muskogee, Indian Territory, January 24, 1902.

Messrs. Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Mary, Eddie, Liddle, Jesse, Maudie, Sammie and Dennis Tomlinson, as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

J. B. Bixby

Acting Chairman.

1 enclosure.
Chickasaw R 66
Registered.

COPY

Muskogee, Indian Territory, January 24, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is hereby transmitted the record of proceedings in the matter of the application of Mary Tomlinson for the enrollment of herself and her five minor children, Eddie, Liddie, Jesse, Maudie and Sammie Tomlinson and her husband, Dennis Tomlinson, as citizens of the Chickasaw Nation, including the decision of the Commission, dated January 24, 1902, refusing the application for the enrollment of Mary, Eddie, Liddie, Jesse, Maudie, Sammie and Dennis Tomlinson as citizens of said nation.

Respectfully,


Tams Bixby

Acting Chairman.

1 enclosure.
Chickasaw R 66

Through the Commissioner
of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 13 1902


ACTING CHAIRMAN.

L.R.S.

12970

J.P.
F.

COPI

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

I.T.D. 1113-1902.
1101-1902.

February 28, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

Your decision of January 24, 1902, rejecting the application for enrollment of Mary, Eddie, Liddie, Jesse, Maudie and Sammie Tomlinson, as citizens by blood of the Chickasaw Nation, case R 66, in accordance with the act of May 31, 1900 (31 Stat., 221) and Dennis Tomlinson, husband of Mary Tomlinson, as an intermarried citizen, is hereby affirmed as recommended by the Commissioner of Indian Affairs in letter of February 14,

Respectfully,

WED. Thos. Ryan
Acting Secretary.
E.M.D.

COPY.

Kuskegee, Indian Territory, March 13, 1902.

Mary Tomlinson,

Elk, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of February 28, 1902, affirmed the decision of the Commission, dated January 24, 1902, denying the application made by you for the enrollment of yourself and your five minor children, Eddie, Liddle, Jesse, Maudie and Sammie Tomlinson, and your husband, Dennis Tomlinson, as citizens of the Chickasaw Nation.

Yours truly,

T. B. Woodson

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, March 13, 1902.

Messrs Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of February 28, 1902, affirmed the decision of the Commission, dated January 24, 1902, denying the application made by Mary Tomlinson for the enrollment of herself and her five minor children, Eddie, Liddie, Jesse, Maude and Sammie Tomlinson, and her husband, Dennis Tomlinson, as citizens of the Chickasaw Nation.

Yours truly,

SIGNED:

T. D. McAdams.

Commissioner in Charge.

Chic.R-67

Chic.R-67

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I. T., June 19, 1900. Tomlinson,

In the matter of the application of Lee ~~Thomas~~ et al for enrollment as Chickasaw Indians; being sworn and examined by Acting Chairman Gixby he testifies as follows:

Q What is your name? A Lee ~~Thomas~~ Tomlinson.
Q What is your age? A Twenty-three.
Q What is your post-office? A Monk, I. T.
Q How long have you lived in the Chickasaw Nation? A About twelve years.
Q Been living here all the time during the past two years?
A Yes sir.
Q Where did you live before you came to the Chickasaw Nation?
A In Texas.
Q Were you born in Texas? A Yes sir.
Q What is your father's name? A Dennis ~~Thomas~~ Tomlinson.
Q Is he living? A Yes sir.
Q Is he a Chickasaw Indian? A No sir.
Q White man? A Yes sir.
Q What is your mother's name? A Mary ~~Thomas~~ Tomlinson.
Q Is she living? A Yes sir.
Q Is she a Chickasaw Indian? A Yes sir.
Q What proportion of Chickasaw Indian blood does she claim to have? A One-eighth.
Q Has her name ever been on the Chickasaw rolls? A No sir.
Q Has she ever been recognized by the Tribal authorities as a Chickasaw Indian? A No sir.
Q What proportion of Chickasaw blood do you claim to have?
A One-sixteenth.
Q Has your name ever appeared upon the Tribal rolls of the Chickasaw Nation? A No sir.
Q Have you ever been recognized by the Tribal authorities of the Chickasaw Nation? A No sir.
Q Did you apply to the Dawes Commission in 1896? A No sir.
Q Is this your first application? A Yes sir.
Q What is your wife's name? A Nora.
Q How old is she? A Sixteen.
Q What is her father's name? A Jim Wells.
Q Is he living? A Yes sir.
Q What is her mother's name? A Mattie.
Q Is she living? A Yes sir.
Q Your wife is a white woman? A Yes sir.
Q Did she ever claim to be a citizen of any of the Five Tribes?
A No sir.
Q Under what law did you marry her? A Law of Oklahoma I guess.
Q Did you marry in Oklahoma? A Yes sir.
Q Did you live there at that time? A No sir.
Q Have you your marriage license and certificate to offer in evidence? A No sir, not here.
Q When did you marry her? A 18th day of last February a year ago.
Q February 1899? A Yes sir.
Q What place? A It is the county-seat of Pettawatomie County, I don't remember the name.
Q What are the names of your children? A Flora, four months old.
Q That is all you have? A Yes sir.
Q Any additional statement in regard to your case you would like to make at this time? A No sir.
Q Have you any papers you would like to file with the commission in regard to your case? A No sir.

The enrollment of yourself and your child as Chickasaw Indians by blood and of your wife as an intermarried citizen of the Chickasaw Nation is refused, for the reason that your names do not appear upon the Tribal rolls of the Chickasaw Nation now in the possession of this Commission, and for the additional reason that the testimony in this case, and the records show that neither you nor your child were admitted to citizenship of the Chickasaw Nation as citizens of said Nation, and neither you, your wife nor your child were admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes under the law of June 10th, 1896, or by the United States Court in the Indian Territory, and the enrollment of your wife is refused for the reason that it appears that she did not marry under the Chickasaw law, as required by the laws of said Nation.

H.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case, and that the above and foregoing is a full, true and complete transcript of his stenographic notes taken in said case

Subscribed and sworn to before me this 6 day of July 1900.


Acting Chairman.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lee Tomlinson for the enrollment of himself and his minor child, Flora Tomlinson as citizens by blood of the Chickasaw Nation, and for the enrollment of his wife, Nora Tomlinson, as an intermarried citizen of the Chickasaw Nation.

D E C I S I O N .

It appears from the record in this case that on June 19, 1900, the applicant, Lee Tomlinson, appeared before the Commission at Colbert, Indian Territory, and made application for the enrollment of himself and his minor child, Flora Tomlinson, as citizens by blood of the Chickasaw Nation and the enrollment of his wife, Nora Tomlinson, as an intermarried citizen of the Chickasaw Nation.

It appears from the evidence offered in support of said application and examination of the tribal rolls of the Chickasaw Nation in the possession of the Commission that the applicants above named have never been enrolled as citizens of the Chickasaw Nation and that their names do not appear upon the tribal rolls of the Chickasaw Nation.

It further appears from an examination of the records in the possession of the Commission that these applicants have never been admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes, or the legally constituted authorities of the said nation or the United States Court in Indian Territory on appeal in accordance with the act of Congress of June 18, 1896 (29 Stats., 321).

The act of Congress of June 23, 1896 (30 Stats., 496), provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

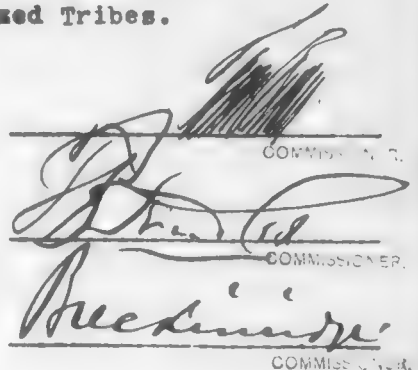
The act of Congress of May 31, 1900 (31 Stats., 221), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It further appears that Nora Tomlinson claims to be a citizen of the Chickasaw Nation by reason of her marriage to Lee Tomlinson who is not a recognized citizen of the said nation and that she was not married to the said Lee Tomlinson in conformity with the laws of said nation.

It is therefore the opinion of this Commission that Lee Tomlinson and his minor child, Flora Tomlinson, and his wife, Nora Tomlinson, are not lawfully entitled to be enrolled as members of the Chickasaw Tribe of Indians in Indian Territory and that their application as such should be refused and it is so ordered.

The Commission to the Five Civilized Tribes.


COMMISSIONER
C. R. Buckner
COMMISSIONER

Dated at Muskogee, Indian Territory,
this the 24 day of January, 1902.

CHICKASAW. REFUSED.

JUN 19 1900

Lee Tomlinson,
Monk, I. T.

(Father) Dennis Tomlinson.

(Mother) Mary Tomlinson.

(Wife) Nora Tomlinson.

(Father) Jim Welch.

(Mother) Mattie Welch.

Flora (4 mo)

CHICKASAW.

Personal appearance and
testimony at Colbur, I. T.

June 19, 1900.

COPY

Muskogee, Indian Territory, January 24, 1908.

Lee Tomlinson,

Musk, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and your minor child, Flora Tomlinson, and your wife, Nora Tomlinson, as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Task Bixby

Acting Chairman.

1 inclosure.
Chickasaw 2 67
Registered.

COPY

Muskogee, Indian Territory, January 24, 1902.

Messrs Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Lee, Flora and Nora Tomlinson as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Tamm Bixby

Acting Chairman.

1 enclosure.
Chickasaw R 67
Registered.

COPY

Mankegee, Indian Territory, January 24, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Lee Tomlinson for the enrollment of himself and his minor child, Flora Tomlinson and his wife, Nora Tomlinson, as citizens of the Chickasaw Nation, including the decision of the Commission, dated January 24, 1902, refusing the application for the enrollment of Lee, Flora and Nora Tomlinson as citizens of said nation.

Respectfully,

Tam Bixby

Acting Chairman.

1 enclosure .
Chickasaw R 87

Through the Commissioner
of Indian Affairs.

CONFIDENTIAL

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIRE CONTROL SERVICE
FILED
MAR 18 1907

ACTING CHAIRMAN

D. C. No. 3769-1902.

(COPY)

L. R. S.

12970

F. J. P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I.T.D.1149 &
1101-1902.

February 28, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Your decision of January 24, 1902, rejecting, in accordance with the act of May 31, 1900 (31 Stat., 221), the application for enrollment of Lee Tomlinson and his minor child, Flora Tomlinson, as citizens by blood of the Chickasaw Nation, and that of his wife, Nora Tomlinson, as an intermarried citizen of said nation, case R 67, is affirmed as recommended by the Commissioner of Indian Affairs, February 14, 1902.

Respectfully,

Thos Ryan

Acting Secretary.

END

COPY.

Chickasaw R 67

Muskogee, Indian Territory, March 13, 1902.

Messrs. Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nation,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of February 28, 1902, affirmed the decision of the Commission, dated January 24, 1902, denying the application made by Lee Tomlinson for the enrollment of himself, his wife, Nora Tomlinson and his minor child, Flora Tomlinson as citizens of the Chickasaw Nation.

Yours truly,

SIGNED *E. B. Woodlee*

Commissioner in Charge.

COPY

Chickasaw R 67

Muskogee, Indian Territory, March 13, 1902.

Lee Tomlinson,

Monk, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of February 28, 1902, affirmed the decision of the Commission, dated January 24, 1902, denying the application made by you for the enrollment of yourself, your wife, Flora Tomlinson and your minor child, Flora Tomlinson as citizens of the Chickasaw Nation.

Yours truly,

(SIGNED).

T. D. Needles.

Commissioner in Charge.

Chio. R-68

Chio. R-68

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Colbert, Indian Territory, June 19, 1900.

In the matter of the application of Jonas B. McCurley, for him self and on behalf of his minor children for enrollment as citizens by blood of the Chickasaw Nation, and on behalf of his wife Susanna McCurley as an intermarried citizen of the Chickasaw Nation. Jonas B. McCurley being first duly sworn by Acting Chairman, Bixby, testified as follows:

- Q What is your name? A Jonas B. McCurley.
Q How old are you? A Forty years old.
Q What is your postoffice address? A Elk, I.T.
Q You claim to be a Chickasaw? A Yes sir.
Q How much Chickasaw blood do you claim to have? A One-eighth.
Q What is your father's name? A J. B. McCurley.
Q Is your father living? A No sir.
Q What is your mother's name? A Sarah McCurley.
Q Is she living? A No sir.
Q Through whom do you claim your Chickasaw blood? A Through my father.
Q Was your father's name ever on any of the tribal rolls of the Chickasaw Nation? A No sir.
Q Was he ever recognized by the tribal authorities? A No sir.
Q Did he ever apply to the tribal authorities? A No sir.
Q When did your father die? A Last year.
Q Did he apply to the Commission to the Five Civilized Tribes for citizenship in the Chickasaw Nation under the Act of June 10th, 1896? A No sir.
Q Is your name on any of the tribal rolls? A No sir.
Q Have you ever been recognized by the tribal authorities? A No sir.
Q Did you ever apply to the tribal authorities? A No sir.
Q Did you apply to the Commission to the Five Civilized Tribes in 1896? A No sir.
Q On what then do you base your claim for citizenship in the Chickasaw Nation? A I have been taught that I have Chickasaw blood.
Q You have never been recognized by the tribal authorities of the Chickasaw Nation? A No sir.
Q You have some kin people who are on the rolls? A Yes sir.
Q Who are they? A James Brown.
Q Who is James Brown? A An Indian, Chickasaw Indian.
Q Why do you claim through him? A We claim him as kin.
Q How much? A I don't know.
Q You don't know much about it do you? A No sir, I don't.
Q Are you married? A Yes sir.
Q What is your wife's name? A Susanna McCauley.
Q How old is she? A Forty.
Q Do you make any claim for her? A Yes sir.
Q What do you claim her to be? A I claim her to be my wife.
Q What claim do you make for her? A I claim her to be my wife, she is not an Indian by blood.
Q What is she? A She is my wife of course.
Q Why do you make claim for her? A As being my wife.
Q Then my reason of her marriage to you she is entitled to be recognized as an Indian, is that right? A I think so.
Q Do you want to claim for her as an intermarried citizen? A Yes sir.
Q What is her father's name? A Even Sagger.
Q What is your wife's mother's name? A Delila Sagger.
Q Are they both living? A No sir, they are both dead.
Q What is the name of the child for whom you make claim? A James Madison McCurley.

Jonas B. McCurley -2-

Q How old is he? A Eighteen.
Q Are you his father? A Yes sir.
Q Is Susanna McCurley his mother? A Yes s r.
Q This child lives with you? A Yes sir.
Q You live in Indian Territory? A Yes sir.
Q How long have you lived in the Indian Territory? A 13 years.
Q You have lived here continuously for the past three years? A Yes, sir, been right here on the place.
Q You make a claim for your wife as an inter-married citizen; were you married to her under Chickasaw law? A No sir, under Texas law.
Q When? A About 22 years ago.
Q Are there any additional statements in regard to your case that you desire to make at this time? A No sir.
Q Are there any papers that you desire to file with the Commission in the furtherance of your claim? A I have some but they are not ready.
Q You understand that any papers which you may file in the future will not receive the consideration of this Commission, but will be forwarded to the Honorable Secretary of the Interior when the final rolls of the Chickasaw Nation are sent to him for approval.
Permission is granted you to file a ditional affidavits in your case during the session of the Commission at Colbert, Indian Territory.

(Stenographer's note) Not in stated to applicant relative to mailing decision)

A. McElrath, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the above case, and that the above and foregoing is a full true and complete transcript of his stenographic notes in said cause.

Subscribed and sworn to before me this 14 day of August, 1900.


Acting Chairman.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
Atoka, I. T. Dec. 7, 1900.

The Cheetaw Nation

VS

Francis M. Jones

D 388

APPEARANCES

For the Cheetaw Nation, Melvin Cornish, Esq.

For the applicant, J. G. Ralls, Esq.

Joseph R. Plummer being duly sworn by Acting Chairman
Bixby, testified as follows:

Examination by Mr. Cornish.

Q What is your name? A Joseph R. Plummer.

Q What is your age? A Sixty seven.

Q You are a citizen of the Cheetaw nation are you? A Yes sir.

Q Admitted to citizenship by the Cheetaw Council? A Yes sir,
by blood.

Q I want to get a statement from you for the information of
the Commission in regard to your admission to citizenship. When were
you admitted? A 1883.

Q Now what persons were named in that act of admission?

A I only petitioned to be recognized myself.

Q What children did you have living at that time? A Well all
of the children.

Q How many? A Eight.

Q All living at that time? A All living, no sir.

Q Some born since? A No sir, the oldest one married Butler
and was dead. The youngest girl died since.

Q After that act of admission the Cheetaw recognized you as
a citizen? A Yes sir.

Q Immediately after your admission to Cheetaw citizenship the
Cheetaw recognized you? A Yes sir.

Q Immediately after that did they also recognize your
children, your family at that time? A Well, they did. They got
the Leased District money, three of the boys.

Q Three of the boys got the leased District money? A Yes sir.

Q When was the second act passed? A I think in 1898. Pos-
sibly in 1894. I have the papers with me.

Q How many of your children did not get the Leased District
money. A Walter G. Plummer and Nellie G. Ragon.

Q And her children? A Yes sir.

Q Did Walter G. Plummer have children also? A Yes sir.

Q The children were your grand children? A Yes sir.

Q Any others? A I think Franklin B. Plummer.

Q And his children? A No had no children.

Q Was he your son? A Yes sir.

Q Why did they fail to get the Leased District money? A
Because they failed to be here the year before the Cheetaw lease.
All the citizens who were not within the bounds of the Cheetaw
Nation would not be counted in the Leased District payment.

Q Then these people you have mentioned were not living in the Indian Territory in 1893 were they. Is that your statement? A Yes sir. They were here but they come in 1892. I think that act was passed in April. In 1893 the payment was.

Q The payment made in 1893 on the rolls made in 1892?

A Yes sir.

Q They were not living in the Choctaw Nation in 1892? A No sir, they come after the roll was made up except three that received their money.

Q Did all of your children who were living here at the time the roll was made up, receive their leased District money? A Yes sir.

Q And those who did not reside here when the roll was made did not receive the money? A No sir.

Q Where did they live? A They had moved to Texas.

Q When did they move back? A I think in the fall and winter of 1892.

Q They had lived here however, from the time you were originally admitted up to the time they moved to Texas? A Yes sir.

Q This second act was passed in 1895? A '94 or '95.

Q Those names were included in that act? A All included except those who were living out there. I asked them to come here and live with me and if they would not come here their names would not be in there.

Q Then in the second act of admission the names of all your children who were then in the Indian Territory and living with you were mentioned? A Yes sir.

Q Why did you have that second act passed? A I believed it was right. I wanted the act passed. I wanted to be fair with the Nation.

Q You felt that if this second act, stating their names was not passed, there might be some question as to their citizenship?

A Yes sir. Brasell before told me to have my children recognized as soon as I could.

Q By the Council? A Yes sir.

Q And in obedience to that advice you had this act passed in order that there might be no question? A I did, sir.

Q Who else did you talk with about that? A Several of my friends. J. B. Jackson, was the man I first had a conference with. He was then National Secretary.

Q You talked quite generally among your friends? A Yes sir.

Q Did you advise with Mr. Telle about it? A Yes sir, he drew the petition.

Q And Telle represented you before the Council by which the second act was passed? A No sir, just draw the bill upon my direction. I placed the matter before the Council myself.

Q Mr. Telle drew the bill? A Yes sir, I dictated it.

Q Did you ask his advice? A I just asked him to draw the bill. He was an attorney and of course knew about it, I told him I wanted the bill to place before the citizenship committee and wanted my children that was here recognized and those who would not come here would not be in.

Q You understand that this does not affect your citizenship?

A I will just say, my daughter Pannie Seals, I asked her why she wouldn't live in the Indian Territory.

Q You understand this does not affect your citizenship but another question before the Commission

Examination by Mr. Halls.

Q It wouldn't make any difference if it did apply to your case you would answer the same way, wouldn't you? A I am pretty sound on it.

Q As I understand you then, you only mentioned your own name in the petition to be admitted as a member in 1893. You were admitted

Francis M. Jones 3

and as soon as you were admitted your children who were here with you were recognized by the Choctaws? A Yes sir.

Q They got all the benefits as other Choctaws and afterwards in order that there might be no question at all, you had an act passed specifically naming all the children who were then here?

A Yes sir.

Q And I also understood you to say that your children who were residing here - in regard to the payment of the Leased District money - were placed on the Leased District roll? A Yes sir, three of them.

Q Now isn't it a fact that your son Charley Plummer was elected to Council before he was specifically named in any act of admission. A Yes sir.

Q In every way your children were regarded as Choctaws? A Those that were here.

Q That was on the theory that you being the father, your children were entitled to recognition as Choctaws? A Yes sir. He was on the Indian Police for nine years. I heard him say so yesterday.

Q They didn't have any one on the Indian Police but Indians?

A No sir.

Q And as I understand you those that did not draw Leased District money were not here at the time the act for the payment of that money was passed, and under the act they could not draw the money, not being residents? A They could not receive the payment but did not affect their property rights.

Myra Young being first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 7th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date

Myra Young.

Subscribed and sworn to before me this 18th day of December, 1900.

[Signature]
Acting Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Jonas B. McCurley for the enrollment of himself and his minor child, James Madison McCurley as citizens by blood of the Chickasaw Nation, and for the enrollment of his wife, Susanna McCurley (McCauley), as an inter-married citizen of the Chickasaw Nation.

D E C I S I O N .

It appears from the record in this case that on June 19, 1900, the applicant, Jonas B. McCurley, appeared before the Commission at Colbert, Indian Territory, and made application for the enrollment of himself and his minor child, James Madison McCurley, as citizens by blood of the Chickasaw Nation, and the enrollment of his wife, Susanna McCurley (McCauley), as an intermarried citizen of the Chickasaw Nation.

It appears from the evidence offered in support of said application and examination of the tribal rolls of the Chickasaw Nation in the possession of the Commission that the applicants above named have never been enrolled as citizens of the Chickasaw Nation and that their names do not appear upon the tribal rolls of the Chickasaw Nation.

It further appears from an examination of the records in the possession of the Commission that these applicants have never been admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes, or the legally constituted authorities of the said nation or the United States Court in Indian Territory on appeal in accordance with the act of Congress of June 10, 1896 (29 Stats., 321).

The act of Congress of June 28, 1898 (30 Stats., 495),
provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900 (31 Stats., 221),
provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It further appears that Susanna McCurley (McCauley) claims to be a citizen of the Chickasaw Nation by reason of her marriage to Jonas B. McCurley who is not a recognized citizen of the said nation and that she was not married to the said Jonas B. McCurley in conformity with the laws of said nation.

It is therefore the opinion of this Commission that Jonas B. McCurley and his minor child, James Madison McCurley and his wife, Susanna McCurley (McCauley), are not lawfully entitled to be enrolled as members of the Chickasaw Tribe of Indians in Indian Territory and that their application as such should be refused and it is so ordered.

The Commission to the Five Civilized Tribes.

Dated at Muskogee, Indian Territory,

This 24 day of January, 1902.

COMMISSIONER.

COMMISSIONER.

COMMISSIONER.

FILED
JUN 10 1900
COMMISSION TO FIVE TRIBES.

MEMORANDA.

(Date) 1899.

Name

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

18

Chickasaw

FATHER, *Chickasaw*
MOTHER, *Chickasaw*

COPY

Muskogee, Indian Territory, January 24, 1902.

Messrs Mansfield, McMurtry & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Jonas B., James Madison and Susanna McGurley as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

SIGNED: Tams Rixby

Acting Chairman.

1 enclosure.
Chickasaw R 68.
Registered.

COPY

Muskogee, Indian Territory, January 24, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Jonas B. McCurley for the enrollment of himself and his minor child, James Madison McCurley, and his wife, Susanna McCurley, as citizens of the Chickasaw Nation, including the decision of the Commission, dated January 24, 1902, refusing the application for the enrollment of Jonas B., James Madison and Susanna McCurley as citizens of said nation.

Respectfully,

Thos Bixby

Acting Chairman.

1 enclosure.
Chickasaw R 68

Through the Commissioner
of Indian Affairs.

114
216
COPY
Muskogee, Indian Territory, January 24, 1902.

Joseph B. McGurley,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and your minor child, James Madison McGurley and your wife, Susanna McGurley, as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings was in the case, this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

W. B. BAKER

W. B. BAKER

Acting Chairman

1 enclosure
Chickasaw P. B.
Registered.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 18 1902


ACTING CHAIRMAN.

12970

J.P.
F

L.R.S?

copy,

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

I.T.D. 1104 &
1101-1902.

February 28, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

Your decision of January 24, 1902, rejecting, in accordance with the act of May 31, 1900 (31 Stat., 221) the application for enrollment of Jonas B. McCurley and his minor child, James Madison McCurley, as citizens by blood of the Chickasaw Nation, and that of his wife, Susanna McCurley, (McCauley), as an intermarried citizen of said nation, case R 68, is affirmed as recommended by the Commissioner of Indian Affairs February 14, 1902.

Respectfully,

Thos. Ryan,
Acting Secretary.
E.M.D.

Chickasaw R 68

Muskogee, Indian Territory, March 13, 1902.

Jonas B. McCurley,

Elk, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of February 26, 1902, affirmed the decision of the Commission, dated January 24, 1902, denying the application made by you for the enrollment of yourself, your minor child, James Madison McCurley and your wife, Susanna McCurley, as citizens of the Chickasaw Nation.

Yours truly,

T. D. Needles.

Commissioner in Charge.

Chickasaw R 68

COPY.

Muskogee, Indian Territory, March 13, 1902.

Messrs Mansfield, McFurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of February 28, 1902, affirmed the decision of the Commission, dated January 24, 1902, denying the application made by Jonas B. McCurley, for the enrollment of himself and his minor child, James Madison McCurley, and his wife, Susanna McCurley, as citizens of the Chickasaw Nation.

Yours truly,

(SIGNED) T. D. Hodges.

Commissioner in Charge.

9-2-02.

Muskogee, Indian Territory, August 27, 1902.

Ward Folsom,

Fox, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st instant, requesting information relative to the application of Jona McCurley, as a citizen of either the Choctaw or Chickasaw Nation.

It appears from the records of the Commission that on June 19, 1900, application was made to the Commission for the enrollment of James B. McCurley, forty years of age, his wife, Susanna McCurley, forty years of age, and their minor child, James M. McCurley, eighteen years of age, all residents of Elk, Indian Territory.

On January 24, 1902, the application of these parties for enrollment as citizens of the Chickasaw Nation was refused by the Commission, and on February 28, 1902, the action of the Commission in refusing these parties was approved by the Secretary of the Interior, whereby the action of the Commission became final. On January 24, 1902, Mr. James B. McCurley was furnished with a copy of said decision of the Commission, and on March 12, 1902, he was further advised as to the final disposition of his application.

Yours truly,

George Washington

Chic. R-69

Chic. R-69

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Holbert, I. T., June 19, 1900.

In the Matter of the Application of :
James L. Holder for Enrollment as a : Chickasaw No. _____
Citizen of the Chickasaw Nation. :

James L. Holder, being first duly sworn by Acting Chairman Bixby testified as follows:

- Q What is your name? A James L. Holder.
- Q What is your age? A 42 years.
- Q Where do you live? A Davis, I. T., Chickasaw Nation.
- Q What is your postoffice address? A Yes sir.
- Q How long have you lived in the Chickasaw Nation? A I have been here principally all my life. I run away from home when I was 17 and come back here; Ten years ago I married and come back here and lived here ever since.
- Q Have you been outside of the Territory in the last 3 years? A No more than as a witness to Paris.
- Q You have not lived outside of the Territory? A A No, I have resided around here.
- Q You apply for the enrollment of yourself and your minor children as Choctaws by blood do you? A Yes sir.
- Q What is the name of your father? A B. B. Holder.
- Q Is he living? A Yes sir.
- Q Is he a hite man? A No, he is 1/4 Choctaw. *Chickasaw*
- Q Where does he live? A Davis, I. T.
- Q How long has he lived there? A Six years.
- Q What is the name of your mother? A Mary Holder. She is dead; died in Texas.
- Q How long ago? A She died in '83.
- Q Was she a white woman? A Yes sir.
- Q Has your father ever been recognized by the Choctaw tribal authorities as a Choctaw Indian? A No sir. *Chickasaw*
- Q What proportion of Choctaw blood do you claim to have? A 1/8. *Chickasaw*
- Q Has your name ever been on the Choctaw tribal rolls as a Choctaw citizen? A No sir. *Chickasaw*
- Q Do the names of your children appear on the Choctaw tribal rolls? A No sir. *Chickasaw*
- Q Did you ever make application to the Choctaw tribal authorities for enrollment? A No sir.
- Q Did you make application for yourself or any of your children to the Dawes Commission in '96? for citizenship in the Choctaw Nation? A We didn't know nothing about the Commission, and just had six days to go on, and we went to Davis and got a lawyer. My father made application for himself and six sons. The lawyer informed my father there was no use; went back on the 9th of Sept., 1896, and it appeared like he was mad. He said you will have to make application. I sat down to put my children down, and he said there was no use of that. After that I took it away from him and turned it over to Ledbetter & Bloodsaw.
- Q Who was this lawyer? A Wielding at Davis.
- Q On the 9th of Sept. it was that you had this conversation with your lawyer at Davis, I. T. Now at that time you had not made your application? A No sir.
- Q You were just discussing it with them? A Yes sir.
- Q You didn't take any action in the matter that same day? Did you prepare your application that day? A Yes sir.
- Q Did you send it up then? A Yes sir.

S-J. L. Holder.

- Q He sent it on the 9th of Sept., 1896? A Yes sir.
- Q Are you certain of that? A That is what he told me.
- Q I thought you said you took the matter out of his hands? A No, ~~the~~ after he sent it up, it didn't get to the Commission, and I started to get him to take it down and get someone to help him out. He reckoned it was all right, after that I took it away.
- Q How long after? A It was a month.
- Q You say the application you had made had come back and you took it away from him and gave it to Ledbetter & Bludsoe? A Yes sir.
- Q It never has been acted upon? A Not that I know of.
- Q Do you know what the style of the case was? Was it B. D. Holder v. The Chickasaw Nation? A I don't remember.
- Q Are you any relation to John P. Holder? A Yes, he is my cousin.
- Q Your application was not made with his application in '96? A No.
- Q It was a separate application, was it? A Yes sir.
- Records of application for citizenship in the Chickasaw Nation made to the Commission to the Five Civilized Tribes for the year '96 examined. No record is found of any case in which the name of the applicant appears.
- Q Have you ever appeared before the Commission since that time? A No, I went to Ardmore to appear, and the Commission would n't have anything to do with me and I come home.
- Q What was done with the application you gave Ledbetter & Bludsoe? A They put it in the safe and said they would keep it.
- Q Didn't they tell you it was no use to make application to the Commission? A No sir.
- Q Why didn't you have that application filed? A I left it with the law. I asked them if I couldn't file on it, and they said, no, it was too late.. I told them I had paid out a heap of money.
- Q Are you married? A Yes sir.
- Q What is the name of your wife? A Sarah.
- Q Is she a white woman? A Yes sir.
- Q Do you make claim for her? A No sir.
- Q What are the names of your children? A Elsie 11, Buford, 9, Myrtle E., 7 Roger 4, and Jimmie, 1 year.
- Q Are all these children the children of your present wife? A Yes.
- Q Are they all living with you at the present time? A Yes sir.
- Q When and where were you married to this woman? A Sherman, Tex. in 1888.
- Q Were you married under Texas law? A Yes sir.
- Q Who married you? A 'Square Cook, a justice of the peace.
- Q Do you desire to offer in evidence at this time, your marriage license and certificate? A I have not got anything without sending after them. I would have had them here if I had known.
- Q Is there any additional statement in regard to your case that you desire to make at this time? A No sir.
- Q Any evidence of any kind that you may desire to submit to the Commission after its adjournment at Colbert, all not receive the consideration of the Commission in deciding the application of yourself and children for enrollment as citizens of the Chickasaw Nation, but will be forwarded together with the other documents in this case, to the Hon. Secretary of the Interior for his examination and consideration when the rolls of the citizens of the Chickasaw Nation are sent to him for his final approval.

A copy of the decision of the Commission with reference to the application of yourself, and on behalf of your children, as citizens of the Chickasaw Nation, will be furnished you at a later date, mailed to your present postoffice address.

Frances P. Brown, being first duly sworn, says that as stated

U. S. L. Miller.

rather to the Commission to the Five Civilized Tribes, she reported to the testimony of the above named witness, and that the foregoing is a true, ~~and correct translation of her shorthand notes in said case.~~ and correct translation of her shorthand notes in said case.

James R. Brown

Subscribed in my presence and sworn to before me this
24 day of July, A. D., 1900.

[Signature]

Acting Chairman.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James L. Holder for the enrollment of himself and his five minor children, Elsie, Buford, Myrtle E., Roger and Jimmie Holder as citizens by blood of the Chickasaw Nation.

D E C I S I O N .

It appears from the record in this case that on June 19, 1900, the applicant, James L. Holder, appeared before the Commission at Colbert, Indian Territory, and made application for the enrollment of himself and his five minor children, Elsie, Buford, Myrtle E., Roger and Jimmie Holder as citizens by blood of the Chickasaw Nation.

It appears from the evidence offered in support of said application and examination of the tribal rolls of the Chickasaw Nation in the possession of the Commission that the applicants above named have never been enrolled as citizens of the Chickasaw Nation and that their names do not appear upon the tribal rolls of the Chickasaw Nation.

It further appears from an examination of the records in the possession of the Commission that these applicants have never been admitted to citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes, or the legally constituted authorities of the said nation or the United States Court in Indian Territory on appeal in accordance with the act of Congress of June 10, 1896 (29 Stat., 321).

The act of Congress of June 23, 1896 (30 Stat., 495), provides:

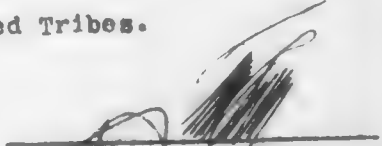

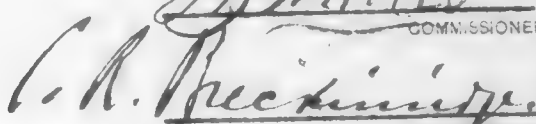
"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900 (31 Stats., 221), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is therefore the opinion of this Commission that James L. Holder and his five minor children, Elsie, Buford, Myrtle E., Roger and Jimmie Holder, are not lawfully entitled to be enrolled as members of the Chickasaw Tribe of Indians in Indian Territory and that their application as such should be refused, and it is so ordered.

The Commission to the Five Civilized Tribes.


COMMISSIONER.

COMMISSIONER.

COMMISSIONER.

Dated at Muskogee, Indian Territory,

This 24 day of January, 1902.

MEMORANDA.

Name James F. Taylor (42) (Date) 11-9-1968 1968
1/8 Chicago

Chootaw? _____ County _____ Year _____ No. _____

Chickasaw ? _____ County _____ Year _____ Page _____

Citizen by blood? Mother's citizenship Father Holden 14 Chick

Intermarried citizen? *Married Money* *(white)*

Married under what law? _____

License filed this day, 4/1/2014

Wife's name, Billy Golden (white)

Choctaw ? _____ County _____ Year _____ No. _____

Chickasaw ? County Year Page

Citizen by blood? **Mother's citizenship**

Intermarried citizen ?

Married under what law?

License filed this day _____

Names of children:

Elsie (11) County _____ Year _____ Page _____ No. _____

Buford (8) County Year Page No.

Mistle E (5) County Year Page No.

Royce County 7 Year 1968 Page 10 No. 10

Quinn (1) County Year Page No.

County Year Page No.

County _____ Year _____ Page _____ No. _____

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County	Year	Page	No.
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COPY

Muskogee, Indian Territory, January 24, 1902.

James L. Holder,

Davis, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and your five minor children, Elsie, Buford, Myrtle L., Roger and Jimmie Holder as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED) James Lister

Acting Chairman.

1 enclosed.
Chickasaw N. 89
Registered.

Maskogee, Indian Territory, January 24, 1902.

Messrs Mansfield, McMurragh & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of James B. Flie, Buford, Martin E., Roger and Yimie Helder, as citizens of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

SIGNED: JOHN B. BAKER

Acting Chairman.

1 enclosure.
Chickasaw N. 69
Registered.

COPY

Maskogee, Indian Territory, January 24, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of James L. Holder for the enrollment of himself and his five minor children, Elsie, Buford, Myrtle E., Roger and Jimmie Holder, as citizens of the Chickasaw Nation, including the decision of the Commission, dated January 24, 1902, refusing the application for the enrollment of James L., Elsie, Buford, Myrtle E., Roger and Jimmie Holder as citizens of said nation.

Respectfully,

James Bixby

Acting Chairman.

1 enclosure.
Chickasaw 2 49

Through the Commissioner
of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 13 1902



ACTING CHAIRMAN.

L.R.S.

12970

J.P.
F.

COPY.

DEPARTMENT OF THE INTERIOR.
WASHINGTON/

I.T.D. 1138 &
1101-1902.

February 28, 1902.

Commission to the five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

Your decision of January 24, 1902, rejecting the application for enrollment of James L., Elsie, Buford, Myrtle E., Roger and Jimmie Wolder as citizens by blood of the Chickasaw Nation, case R 69, in accordance with the act of May 31, 1900, (31 Stat., 221), is hereby affirmed, as recommended by the Commissioner of Indian Affairs, in letter of February 14.

Respectfully,

SIGNED: Thos. Ryan

Acting Secretary.
E.M.D.

COPY.

Muskegee, Indian Territory, March 13, 1902.

Messrs Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of February 28, 1902, affirmed the decision of the Commission, dated January 24, 1902, denying the application made by James L. Holder for the enrollment of himself and his five minor children, Elsie, Buford, Myrtle E., Roger and Jimmie Holder as citizens of the Chickasaw Nation.

Yours truly,

SIGNED

T. B. McCallister

Commissioner in Charge.

Chickasaw R 69

COPY.

Muskogee, Indian Territory, March 13, 1902.

James L. Holder,

Davis, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of February 28, 1902, affirmed the decision of the Commission, dated January 24, 1902, denying the application made by you for the enrollment of yourself and your minor children, Elsie, Buford, Myrtle E., Roger and Jimmie Holder as citizens of the Chickasaw Nation.

Yours truly,

(SIGNED) *T. B. McCallister*

Commissioner in Charge



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

612

~~James L. Holder,~~

~~Davis,~~

~~Indian Territory~~

Davis Reg No 77

9269



**END
OF
REEL**



